



BIRDSALL ENGINEERING, INC.
CONSULTING & ENVIRONMENTAL ENGINEERS

JOB NO. 54000001

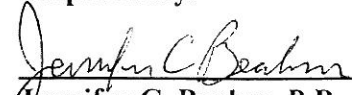
**HOUSING PLAN ELEMENT
AND FAIR SHARE PLAN**

**TOWNSHIP OF BARNEGAT
OCEAN COUNTY, NEW JERSEY**

Barnegat Township Planning Board

Adopted on December 16, 2008

Prepared By:


Jennifer C. Beahm, P.P., AICP
New Jersey License No. 05625
Original is Sealed

— A —
**BIRDSALL SERVICES GROUP
COMPANY**

TABLE OF CONTENTS

	<u>Page</u>
I. HOUSING PLAN ELEMENT	
A. Introduction.....	1
B. Analysis of Housing Stock.....	4
C. Projected Housing Stock.....	9
D. Demographic Characteristics.....	10
E. Employment Characteristics.....	11
F. Growth Share.....	13
G. Determination of Low- and Moderate- Income Housing Need.....	14
H. Identification of Lands Appropriate for Low- and Moderate-Income Housing.....	14
II. FAIR SHARE PLAN	
A. Introduction	17
B. Proposed Plan For Cycle I and Cycle II Obligations	18
C. Proposed Plan For Cycle III Obligation.....	22
D. Summary of the Fair Share Plan.....	28
III. FAIR SHARE PLAN SUMMARY TABLE	

IV. APPENDICES

- A. COAH Workbooks
- B. Project Checklists
- C. Affordable Housing Site Map
- D. COAH Petition Application Form
- E. Documentation for the Market to Affordable Program
- F. Documentation for the Accessory Apartment Program
- G. Development Fee Ordinance Section 55-351
- H. Proposed Development Fee Ordinance
- I. Draft Affordable Housing Ordinance
- J. Draft Spending Plan

SECTION I
HOUSING PLAN ELEMENT

I. HOUSING PLAN ELEMENT

A. Introduction

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 to -136 ("MLUL") and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 ("FHA") require every municipal planning board to adopt a Housing Plan Element to its Master Plan and further require the governing body of each municipality to adopt a Fair Share Plan. More specifically, the FHA and MLUL require municipalities to adopt a Housing Element that addresses the municipal present and prospective housing needs, "with particular attention to low and moderate income housing." In accordance with the Fair Housing Act at N.J.S.A. 52:27D-310, a Housing Element shall contain at least the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

The preparation and submission of a Housing Element of a municipality's Master Plan, and a Fair Share Plan, is the first major step in the process for petitioning the Council on Affordable Housing (COAH) for substantive certification. In addition to the above requirements as established under the MLUL (N.J.S.A. 40-55D-28), COAH regulations require the following additional components for a third round petition:

1. Household and employment projections as provided within Appendix F of N.J.A.C. 5:97.
2. The municipal prior round obligation as identified within Appendix C of N.J.A.C. 5:97.
3. The municipal rehabilitation share as identified within Appendix B of N.J.A.C. 5:97.
4. The minimum requirements prescribed by N.J.S.A. 52:27D-310.
5. The projected growth share in accordance with the procedures set forth at N.J.A.C. 5:97-2.4.
6. Supporting information, including a copy of the most recently adopted municipal zoning ordinance and a copy of the most up-to-date municipal tax maps.
7. Any additional documentation pertaining to the review of the municipality's Housing Element as may be required by COAH.

COAH's regulations define "Fair Share Plan" as follows:

"Fair Share Plan" means the plan that describes the mechanisms and the funding sources, if applicable, by which a municipality proposes to address its affordable housing obligation as established in the housing element, includes the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:97-3.

This Housing Plan Element and Fair Share Plan meets all of the applicable requirements for the preparation of a housing element and fair share plan within N.J.A.C. 5:97 (Substantive Rules) and N.J.A.C. 5:96 (Procedural Rules) promulgated by COAH. Additionally, this Plan has been prepared in accordance with the requirements set forth within Affordable Housing Reform Statute, P.L. 2008, c.46, which became effective on July 17, 2008.

Summary of the Township's Affordable Housing Obligation and Fair Share Plan

This Plan demonstrates how Barnegat Township will satisfy its fair share of the region's affordable housing need. In accordance with the requirements set forth above, the Housing Plan Element of the Master Plan is presented within Section I of this Plan. Section II of this Plan contains the Township's Fair Share Plan, which includes the strategies, implementation techniques, and the funding sources Barnegat Township intends to utilize to implement its Fair Share Plan.

In order to create the Fair Share Plan, Barnegat Township determined its affordable housing obligations for all three COAH housing cycles. COAH assigned the Township a rehabilitation obligation of zero (0) units. COAH assigned the Township a Cycle I/Cycle II obligation of 329 units.

With regard to the Township's Cycle III (growth share) obligation, COAH's projections in Appendix F of its regulations result in a growth share obligation of 340 units. Pursuant to N.J.A.C. 5:97-2.2(d), COAH allows municipalities to accept the household and employment projections included within Appendix F of the new revised third round rules to calculate the growth share.

Alternatively, a municipality may utilize its own growth projections to calculate the growth share provided the municipal projections exceed the projections in Appendix F. Barnegat Township's actual growth share at this juncture is 401 units based upon the sum of 1,521 COs issued for new homes and 335.7 new jobs realized for the time period between January 1, 2004 and June 30, 2008, and other projected future development of 270 residential COs and 342 jobs.

It is important to note that the other projected development identified above only represents a portion of the total development that the Township may realize during the 2004-2018 time period. The Township has not included a growth share calculation that contemplates all anticipated future development due to the economic infeasibility and lack of funding available to address the growth share obligation that would result at this time. However, the Township intends to create sufficient affordable housing by its bi-annual reviews pursuant to COAH's regulations or, alternatively, adjust its plan in the interim to meet any shortfall, as required.

While the Township reserves the right to only address COAH's 340-unit projection at this time, the Township has elected to address the 401-unit growth share obligation identified above. The Fair Share Plan included within Section II of this Plan sets forth a plan to address the entire 401-unit growth share obligation identified above.

The cumulative affordable housing obligation is summarized within Table 1, below.

Table 1: Cumulative 1987-2018 Affordable Housing Obligation	
Type of Obligation	Units
Rehabilitation Obligation	0
Prior Round Obligation	329
Growth Share Obligation	401
Total	730

Barnegat Township proposes to satisfy the entire 730-unit cumulative obligation through 28 prior cycle credits, 310 rental credits through inclusionary, special needs and supportive housing projects, 216 units from inclusionary projects and 176 rental bonus credits. Detailed information about all of the projects and programs included within the Township's Fair Share Plan is included within Section II of this Plan.

B. Analysis of Housing Stock

As of the 2000 Census, there were 6,039 housing units in Barnegat Township, as shown within Table 2, Housing Units. The vast majority of these units, 90.6 percent, were occupied. Of the 6,039 occupied housing units in the Township, 5,439 (91 percent) were owner-occupied and 549 (9.0 percent) were rentals.

The vast majority of the housing stock consists of single-family detached and attached housing.

Table 2: Housing Units		
Units in Structure	Number	Percent of Total Units
1-Unit Detached	4,817	80
1-Unit Attached	216	3.5
2	94	1.5
3 or 4	181	2.9
5 to 9	29	0.5
10 to 19	31	0.5
20 units or more	73	1.2
Mobile Home or trailer	598	9.9
Other	0	0
Total	6,039	100

Cost of Housing Stock

The median value of sales housing in Barnegat Township was \$119,200 according to the 2000 Census, slightly lower than the Ocean County median value of sales housing, which was \$131,300 in 2000. Table 3, below, shows the percentage of housing units in each value category as presented within the 2000 Census.

Table 3: Value of Sales Housing		
Value (\$)	Units	Percentage
Less than 50,000	45	1
50,000-99,999	1,200	30
100,000-149,999	1,880	45
150,000-199,999	772	18.5
200,000-299,999	219	5.2
300,000-499,000	30	0.8
500,000 or more	19	0.5
Total	4,165	100

For rental units, the median gross rent was \$898. Of the 565 occupied rental units listed by the Census, 190 were two-bedroom units and 274 were three-bedroom units, as shown below within Table 4, Cost of Rentals by Bedroom Size. Over 82 percent of the rentals (338) were occupied by a head of household who was less than 65 years old. A closer look shows that approximately 50 percent of the rental units (274) were occupied by a head of household between the ages of 25 and 44. Therefore, it appears that the rental units in Barnegat are serving the needs of younger households with families.

Table 4: Cost of Rentals by Bedroom Size				
Rent (\$)	None	One	Two	Three
0-199	12	11	0	0
200-299	0	12	0	0
300-499	0	0	9	0
500-749	0	44	54	9
750-999	0	15	66	100
1,000 or more	0	0	55	159
No cash rent	0	7	6	6

Units Affordable to Low and Moderate Income Households

Low-income households are defined as earning less than or equal to 50 percent of a regional median income. Moderate-income households earn more than 50 percent of regional median income, but less than 80 percent of regional median income.

In addition, COAH has developed a sliding scale for income limits, which defines low- and moderate-income limits based on household size. COAH has determined separate incomes for households of one up to households of eight.

Similarly, housing units are to be priced to be affordable to households who could reasonably be expected to live within the housing units. For example, the current COAH rules require that an efficiency unit be affordable to a household of one, as shown below within Table 5, 2008 COAH Income Limits for Ocean County.

Table 5: 2008 COAH Income Limits for Ocean County					
	1 Person	2 Person	3 Person	4 Person	5 Person
Moderate	\$47,357	\$54,122	\$60,888	\$67,653	\$73,065
Low	\$29,598	\$33,826	\$38,055	\$42,283	\$45,666
Very Low	\$17,759	\$20,296	\$22,833	\$25,370	\$27,399

To be affordable, a household should not be paying more than 28 percent of its gross income on principal, interest, taxes and insurance, subsequent to a minimum down payment of 5 percent. A rental unit is affordable if the household is paying no more than 30 percent of its income on rent and utilities.

Condition of Housing Stock

COAH utilizes the 2000 Census to try to estimate the number of substandard housing units in Barnegat that are occupied by low- and moderate-income households. COAH uses the Census to determine which units are occupied by low- and moderate-income households. COAH then analyzes the low- and moderate-income housing stock based on the following factors:

Year Structure Built: A distinction is made between units built before 1950 and units built thereafter. Research has demonstrated that units built before 1950 are much more likely to be in substandard condition. This factor is probably the most dominant factor in estimating the condition of a municipal housing stock.

Persons per Room: 1.01 or more persons per room is an index of overcrowding.

Plumbing Facilities: Inadequate plumbing facilities is indicated by either a lack of exclusive use of plumbing facilities or incomplete plumbing facilities.

Kitchen Facilities: Inadequate kitchen facilities are indicated by shared use of a kitchen or the lack of a sink with piped water, a stove or a refrigerator.

Heating Fuel: Inadequate heating is use of coal, coke wood or no fuel for heating.

Sewer: Inadequate sewer services are indicated by a lack of public sewer, septic tank or cesspool.

Water: Inadequate water supply is indicated by a lack of either city water, drilled well or dug well.

Not all of the Census indicators of substandard housing are available at the municipal level. Therefore, COAH developed a procedure in which it estimates the number of low- and moderate-income households in substandard housing within a Census region, and then estimates the number of low- and moderate-

income households in substandard housing at the municipal level based on Census indicators that are available at the municipal level. The procedure classifies a low- and moderate-income unit as substandard if it “fails” two of the Census indicators listed above. Once a Census regional total of substandard low- and moderate-income units has been calculated, the procedure assigns a share of this total to each municipality within the Census region based on the following Census indicators that are available at the municipal level:

Plumbing Facilities: Non-exclusive use of complete plumbing

Persons per Room: More than 1.01 persons per room

Age of Housing: Housing built in 1949 or earlier

Water or Sewer Problem: Deficiency in one or the other

No Telephone: Absence of telephone in unit

Nonstandard Heating Fuel: Use of coal, coke, or wood for heating, or no fuel

COAH describes its approach for estimating the condition of low- and moderate-income housing in a municipality as follows:

It should be realized that any of these characteristics need not signal deficiency on their own. The unit must be occupied by a poor household; be more than 50 years old and contain a single deficiency; or be similarly occupied, by 50 years old or less, but contain an additional detrimental conditional, to signal deficiency. Even then, the unit may not be actually deficient, but there is a high probability that it will be subsequently lost from the housing stock.

This procedure for establishing housing deficiency: (1) is drawn from the literature of the field; (2) encompasses a broad array of physical insufficiency including such items as incomplete or inadequate kitchen and plumbing, crowding, inadequate heating fuels, and insufficient sewer and water resources; (3) ensures against erroneous inclusion of good units; and (4) provides a very high probability that the housing identified at least in relative terms, is clearly less than adequate.

The reason COAH must use indicators of substandard housing is that the Census does not classify housing units as standard or substandard. Thus, the data presented below in Table 6, Housing Characteristics, is the data COAH uses to generate its estimates for Barnegat.

Table 6: Housing Characteristics		
Characteristics	Total	Percentage
Number of Persons per Room		
1.01 or more	36	0.7
Plumbing Facilities		
Units with Complete Plumbing Facilities	6,039	100.00
Units Lacking Complete Plumbing Facilities	0	0
Heating Equipment		
Utility Gas	2,916	53.4
Bottled, tank or lp gas	217	4.0
Electricity	718	13.1
Fuel oil, kerosene, etc.	1,554	28.5
Coal or coke	3	0.1
Wood	27	0.5
Solar energy	0	0.0
Other Fuels	16	0.3
No Fuel Used	10	0.2
Kitchen Equipment		
Complete kitchen facilities	6,039	100.00
Lacking facilities	0	0
Telephone		
With telephone	4,896	99.7
No telephone	19	0.3
Year Structure Built		
Built 1999 to March 2000	302	5.5
Built 1995 to 1998	438	8.0
Built 1990 to 1994	562	10.3
Built 1980 to 1989	1,545	28.3
Built 1970 to 1979	2,014	36.9
Built 1960 to 1969	213	3.9
Built 1950 to 1959	121	2.2
Prior to 1950	266	4.9

Most of the Census indicators available at the municipal level indicate a sound housing stock. Less than 1 percent of the housing units in the Township are occupied by more than 1 person per room. The entire housing stock has complete kitchen and plumbing facilities. Nearly every housing unit has a telephone and most of the units are heated with standard heating fuels.

The vast majority of Barnegat's housing stock has been constructed relatively recently. Over half of the housing stock, represented by the 2000 Census, was constructed after 1980 (52.1 percent). Only 266 housing units were constructed prior to 1950. Given that units constructed prior to 1950 are COAH's most powerful indicator of substandard housing, it is anticipated that low and

moderate-income households in Barnegat may occupy some of the 266 substandard units.

C. Projected Housing Stock

Since 1985, Barnegat Township has issued building permits for 5,390 housing units. The Township also issued permits to demolish 44 units during the time period from 1996-2007, as shown within Table 7, below.

Table 7: Dwelling Units Authorized					
Year	Single Family	2 to 4 Family	5 or more Family	Residential Demolitions	Total Added
1985	112	-	-	-	112
1986	322	6	-	-	328
1987	361	-	-	-	361
1988	261	-	-	-	261
1989	205	-	32	-	237
1990	70	-	-	-	70
1991	63	-	-	-	63
1992	80	-	-	-	80
1993	91	-	-	-	91
1994	67	-	-	-	67
1995	25	-	-	-	25
1996	81	-	-	12	69
1997	187	-	-	5	182
1998	265	-	-	3	262
1999	283	-	-	0	283
2000	185	-	-	6	179
2001	180	-	-	11	169
2002	410	-	60	2	468
2003	613	2	47	1	661
2004	507	-	-	-	507
2005	386	-	-	-	386
2006	300	-	-	3	297
2007	231	-	2	1	232
Total	5,285	8	141	44	5,390
Source: US Bureau of the Census, Manufacturing & Construction Division					
Prepared by: New Jersey Department of Labor & Workforce Development, July 2007					

There is obviously a very strong demand for single-family detached units in Barnegat Township. However, during the period from 2009-2018 it is anticipated that the number of residential units constructed will steadily decline due to lack of developable land and environmental constraints.

D. Demographic Characteristics

Barnegat Township has grown steadily over the last five decades. From 1970 to 2000, its population has increased at an average rate of 458 people per year. According to estimates provided by New Jersey's Department of Labor, Barnegat Township's year 2000 population was 15,270, as shown below in Table 8, Population Growth.

Table 8: Population Growth			
Year	Population	Population Increase	Percentage Increase
1930	1,037	-	-
1940	1,045	8	0.7
1950	1,173	128	12.2
1960	1,270	97	8.3
1970	1,539	269	21.2
1980	8,702	7,163	465.4
1990	12,235	3,533	40.6
2000	15,270	3,035	25

The median age in Barnegat Township (39) is very close to the median age of Ocean County (41) as shown below in Table 9, Population by Age Cohort. It appears that there is a significant percentage of residents age 65 and over both within the Township and within Ocean County as a whole. However, it must be noted that there is a significant difference between the number of residents age 65 and over in Barnegat Township (17.9%) versus Ocean County (22.1%). According to the 2000 Census, the average household size in Barnegat Township is 2.76 persons. The average family size is 3.19 persons.

Table 9: Population by Age Cohort		
Age Cohort	Barnegat Township Distribution (%)	Ocean County Distribution (%)
0 to 4	6.2	6.3
5 to 17	20.9	17
18 to 21	4.1	3.8
22 to 29	6.8	7.8
30 to 39	13.8	13.6
40 to 49	14.6	13.7
50 to 54	6.4	6
55 to 64	9.4	9.5
65 to 74	10.6	10.6
75 to 84	5.8	8.6
85+	1.5	2.9
Median Age	39	41

The 2000 Census indicates that the median income of Barnegat residents (\$48,572) was marginally higher than the median income for Ocean County (\$46,443) and significantly lower than the State (\$55,146). In addition, the per

capita income of Barnegat residents was \$19,307, significantly lower than the Ocean County per capita income of \$23,054, and the per capita income for all New Jersey households of \$27,006. Further, approximately 90 percent of Barnegat households earned \$100,000 or less in 1999. The corresponding percentage for Ocean County was only 74.4 percent. A distribution of households by income for Barnegat Township and Ocean County is presented within Table 10, Households by Income, below.

Table 10: Households by Income (%)		
Income (\$)	Barnegat Twp	Ocean County
Less than \$10,000	4.8	6
10,000-14,999	4.9	6.1
15,000-24,999	12.1	13
25,000-34,999	12.5	12
35,000-49,999	17.6	16.5
50,000-74,999	24.6	20.8
75,000-99,999	13.8	12.5
100,000-149,999	7.8	9.3
150,000 -199,999	1.6	2.2
200,000+	0.3	1.6

E. Employment Characteristics

The 2000 Census reports on work activity of residents 16 years and older. From this population, 3,348 of 5,527 men and 2,954 out of 6,000 women worked in 1999. The average commuting time of a Barnegat worker was 33.6 minutes. The majority (83.6%) of Barnegat Township residents work within the private sector, as shown below within Table 11, Classifications of Workers.

Table 11: Classifications of Workers		
Class	Total	Percentage of Workers
Private wage and salary	4,914	78
Government workers	1,033	16.4
Self employed	355	5.6
Unpaid family	0	0

An analysis of the employed (over the age of 16) by economic sector indicates that Barnegat workers were involved in a broad array of economic sectors. The highest concentration of workers is within the service sector, most notable the educational and health services with 25.6 percent of the work force as shown below within Table 12, Workforce by Sector.

Table 12: Workforce by Sector		
Sector	Employees	Percentage of Workforce
Agriculture, Forestry, Fisheries & Mining	8	0.1
Construction	492	7.8
Manufacturing	380	6
Wholesale Trade	279	4.4
Retail Trade	995	15.8
Transportation, Warehousing, and Utilities	468	7.4
Information	168	2.7
Finance, Insurance, & Real Estate	276	4.4
Professional, scientific, management, administrative, and waste management services	376	6
Educational, health and social services	1,611	25.6
Arts, entertainment, recreation, accommodation and food services	504	8
Other services	430	6.8
Public Administration	315	5

The Barnegat workforce occupation characteristics compare quite closely with those for Ocean County as shown below in Table 13, Occupation Characteristics.

Table 13: Occupation Characteristics		
Occupation	Barnegat (Percentage)	Ocean County (Percentage)
Managerial and Professional	26.8	31.6
Service Occupations	18.2	16
Sales and Office Occupations	29.6	29.2
Farming, forestry & fishing	0	0.2
Construction, Extraction and Maintenance Occupations	12	11.8
Production and Transportation Occupations	13.3	11.1

The New Jersey Department of Labor compiles data on private sector employers who pay unemployment insurance. Private sector data related to covered jobs provide a means to measure the growth in unemployment within a municipality or county. Based upon available data below, Table 14, Covered Jobs, demonstrates that Barnegat has participated in the growth of Ocean County's employment base.

Table 14: Covered Jobs		
Year	Barnegat Twp.	Ocean County
1993	709	94,198
1994	911	99,196
1995	923	103,633
1996	976	103,508
1997	1,025	105,220
1998	1,055	105,491
1999	1,186	106,227

In addition, in order to understand what implications this employment data has for the Township and understand what the employment field and area trends are for Barnegat Township, and Ocean County, the New Jersey Department of Labor ("NJDOLE") has prepared projections, which analyze the expected increase or decrease in a particular employment sector by the year 2008. This data has been summarized and is illustrated within Table 15, below.

Table 15				
Projected Employment				
Occupation	2004	Percent	2014 Projection	Percent Change +/-
Management Occupations	12,350	5.5	13,500	9.4
Professional	52,200	23.3	61,050	125.2
Sales & Related Occupations	28,400	12.7	32,150	13.2
Admin Support & Clerical	43,150	19.2	44,700	3.7
Service Occupations	8,050	3.6	10,100	25.3
Construction/Extraction	9,900	4.4	10,750	9.1
Maintenance/Repair Operations	9,350	4.2	10,100	8.0
Production/Transportation/Moving Occupations	29,450	13.1	31,050	6.6
Farming, Fishing, and Forestry Occupations	50	0.0	100	38.8
Total	224,350	100.0	250,350	11.6
Source: New Jersey Department of Labor, 2004				

F. Growth Share

N.J.A.C. 5:97-2.4 sets forth the requirements for calculating a municipality's growth share based upon the projections provided within Appendix F of the proposed third round rules. Appendix F of the new regulations contains growth projections for housing anticipated to be built and non-residential growth projected through 2018. COAH predicts that the Township will grow by 1,085 new residential units and 1,967 jobs in the January 1, 2004 through December 31, 2008 period, resulting in a projected growth share of 340 units. These calculations are depicted within Workbook A, which is included within Appendix A.

Alternatively, a municipality may utilize its own growth projections to calculate the growth share provided the municipal projections exceed the projections in Appendix F. Barnegat Township's actual growth share at this juncture is 401 units based upon the sum of 1,521 COs issued for new homes and 335.7 new jobs realized for the time period between January 1, 2004 and June 30, 2008, and other projected future development of 270 residential COs and 342 jobs.

The other projected development identified above only represents a portion of the total development that the Township may realize during the 2004-2018 time period. The Township has not included a growth share calculation that contemplates all anticipated future development due to the economic infeasibility and lack of funding available to address the growth share obligation that would

result at this time. However, the Township intends to create sufficient affordable housing by its bi-annual reviews pursuant to COAH's regulations or, alternatively, adjust its plan in the interim to meet any shortfall, as required.

While the Township reserves the right to only address COAH's 340-unit projection at this time, the Township has elected to address the 401-unit growth share obligation identified above. The Fair Share Plan included within Section II of this Plan sets forth a plan to address the entire 401-unit growth share obligation identified above.

G. Determination of Low- and Moderate-Income Housing Need

The Mt. Laurel decisions established that every municipality is responsible for a "fair share" of a regional affordable housing need. COAH, pursuant to the Fair Housing Act, is responsible for defining regions and developing criteria for establishing each municipality's share of the regional need. Township of Barnegat is located within Affordable Housing Region 4, consisting of Mercer, Monmouth and Ocean counties.

The determination of low- and moderate-income housing responsibility for the Township was calculated in accordance with COAH's revised third round rules and consists of the following three components: deficient housing units occupied by low and moderate income households known as the rehabilitation share, any remaining Prior Round (1987-1999) housing obligations, and the growth share component for the period of January 1, 2004 to December 31, 2018. This is described in detail in the preceding sections of this plan and summarized below in Table 16.

Table 16: Summary of 1987-2018 Affordable Housing Obligation	
Rehabilitation Obligation	0
Prior Round Obligation	329
Actual Growth Share Obligation	401

H. Identification of Lands Appropriate for Low and Moderate Income Housing

During the preparation of the growth share calculation and other housing and demographic analyses the Township identified lands appropriate for low and moderate income housing. Additionally, the existing zoning and all zoning changes proposed for affordable housing projects included within this Plan were analyzed during the preparation of this Plan. Existing and planned infrastructure, land use patterns, demand for uses, municipal economic development policies and regulatory and environmental constraints were also analyzed. The results of the above referenced indicate that the existing zoning and the zoning changes proposed for affordable housing projects included within this Plan are anticipated to provide adequate capacity to accommodate the residential and non-residential growth projections presented within the growth share calculation.

The portion of Barnegat Township located to the east of the Garden State Parkway is within an existing sewer service area. The sewer service area extends to the west of the Garden State Parkway up to Pancoast Road and State Highway 72. Additionally, the sewer service area extends to include a portion to the west of State Highway 72. The Barnegat Township Sewer and Water Department provides sewer service to the Township. All of the affordable housing sites identified below are located within existing water and sewer service areas.

The following affordable housing sites were analyzed for suitability for the construction of affordable housing:

- Block 144.01, Lots 7, 7.01, 8-20, 22, 23, 27 & 30.01 (Whispering Hills)
- Block 162.02, Lot 1.03 (Walters Site)
- Block 142.01, Lot 1; Block 142.02, Lot 2.01 (High Point at Barnegat)
- Block 94, Lots 2-3 (Mirage)
- Block 92.112, Lot 42.01 (Lighthouse Village)
- Block 114.54, Lot 15.05 (Tedesco Homes)
- Block 87, Lot 7; Block 87.02, Lot 2; Block 90, Lots 2 & 3; Block 90.01, Lot 1; Block 90.02, Lots 1-6; Block 90.03, Lots 1-3; Block 90.05, Lots 3 & 4; Block 90.06, Lots 3-6; Block 90.07, Lots 1-5; Block 90.08, Lots 1-3; Block 90.09, Lots 1-3, 5, 7 & 9; Block 90.10, Lots 1-6; and Block 90.11, Lots 1-8 (Four Seasons @ Seacrest Pines)
- Block 195.03, Lot 12 (Proposed ML Zone)
- Block 90.22, Lot 2 and Block 92, Lot 37 and Block 90, Lot 13 (Paramount Homes / Ocean Breeze; formerly known as Club Premier)

Each of these were found to be suitable for development with affordable housing in accordance with N.J.A.C. 5:97-3.13 and the following definition excerpted from N.J.A.C. 5:97-1.4.

A “suitable” site is:

A site that has clear title and is free of encumbrances which preclude development of affordable housing; is adjacent to compatible land uses; has access to appropriate streets, water and sewer infrastructure; can be developed consistent with the Residential Site Improvement Standards and the rules or regulations of all agencies with jurisdiction over the site; and is consistent with the site suitability criteria delineated in N.J.A.C. 5:97-3.13. A site may be deemed suitable although not currently zoned for affordable housing.

The site suitability analyses for each of the above referenced affordable housing sites is included on the project checklist for that particular site within Appendix B of this Plan. Each site identified above is depicted on the Affordable Housing Site Map within Appendix C.

The Township is currently involved in the Plan Endorsement process and its Petition for Initial Plan Endorsement was deemed complete on March 14, 2006. Barnegat is currently working toward Initial Plan Endorsement with the Office of Smart Growth. It is anticipated that the Township will refine its vision for future growth through the Plan Endorsement process and that this process will facilitate the construction of the affordable housing projects identified within the Fair Share Plan in order to satisfy the Township's COAH mandated affordable housing obligation.

SECTION II

FAIR SHARE PLAN

II. FAIR SHARE PLAN

A. Introduction

COAH's regulations, as set forth in N.J.A.C. 5:97-3, require that a "Fair Share Plan" set forth the mechanisms and funding sources by which a municipality proposes to address its affordable housing obligation. Additionally, COAH requires that the draft Fair Share Ordinances necessary to implement the Fair Share Plan be included within the Fair Share Plan report.

This Fair Share Plan sets forth the mechanisms and funding sources that will be utilized to address the Township's cumulative Cycle I, Cycle II and Cycle III obligation. In addition, this Fair Share Plan provides a detailed explanation of the draft Fair Share Ordinances necessary to implement Plan, which are included within the attached Appendices. This Fair Share Plan will amend the Township's existing Housing Plan Element and Fair Share Plan, which was adopted in November 2005.

This Fair Share Plan is divided into three sections. First, the plan will identify the Township's fair share obligation for all three housing cycles and the basis for the determination. Second, the plan will explain the limitations on how the Township may satisfy its remaining Cycle I/Cycle II responsibilities and how, within the confines of those limitations, the Township is satisfying that portion of its fair share attributable to the first two housing cycles. Third, the plan will explain the limitations on how the Township may satisfy its remaining Cycle III responsibilities and how, within the confines of those limitations, the Township is satisfying that portion of its fair share attributable to the third housing cycle.

Cumulative 1987-2018 Affordable Housing Obligation

The total cumulative affordable housing obligation consists of three components: the rehabilitation share, prior cycle obligation and the growth share component. In order to determine the cumulative fair share obligation for the Township, the rehabilitation and prior cycle obligation components were added to the actual growth share obligation to produce the total fair share obligation for the Township, which was determined to be 730 affordable housing units, as depicted within Table 17, below.

Table 17: Cumulative 1987-2018 Affordable Housing Obligation	
Type of Obligation	Units
Rehabilitation Obligation	0
Prior Round Obligation	329
Growth Share Obligation	401
Total	730

B. Proposed Plan For Cycle I and Cycle II Obligations

The recalculated prior cycle affordable housing obligation for the Township of Barnegat is 329 units. COAH sets forth formulas for the calculation of the maximum number of age-restricted units and the minimum number of affordable rental units that may be included within this Plan at N.J.A.C. 5:97-3.10. In that these limitations are calculated below.

The maximum number of age-restricted units that Barnegat Township may take credit for is 105-units, as calculated below.

$0.35^1 * (\text{Prior Round Obligation} + \text{Rehabilitation Obligation} - \text{Prior Cycle Credits} - \text{Rehabilitation Credits} - 20\% \text{ cap}) = \text{Age-Restricted Unit Maximum}$

$0.35 * (329 + 0 - 28) = 105 \text{ Age-Restricted Units}$

Each municipality is required to provide a minimum of 25% of its affordable housing obligation as rental units. Therefore, Barnegat Township must provide a minimum of 76 rental units, as calculated below.

$0.25 * (\text{Prior Round Obligation} - \text{Prior Cycle Credits} - 20\% \text{ cap}) = \text{Rental Unit Minimum}$

$0.25 * (329 - 28) = 76 \text{ Rental Units}$

Finally, COAH set forth recalculated rehabilitation share numbers for each municipality as part of the third round rules. This recalculated rehabilitation share replaces any outstanding rehabilitation share existing for the municipality at the time of the passage of the Third Round Rules. COAH has set forth a rehabilitation share for Barnegat of zero (0) units.

A summary of each limitation and minimum requirement described above is included within Table 18, below.

Table 18: Prior Round Limits and Requirements	
Obligation	Units/Credits
Rehabilitation Component	0
Age-Restricted Units (Maximum)	105
Rental Unit (Minimum)	76

¹ As part of the Judgment of Repose the Township of Barnegat was granted a waiver to allow 35% of its affordable units to be realized through senior age-restricted development.

The Plan to Address Cycle I and Cycle II Responsibilities Within the Above Limitations

As demonstrated below the Township of Barnegat will meet its 329-unit cumulative Cycle I and II affordable housing obligation through 28 prior cycle credits for units that were constructed between April 1, 1980 and December 15, 1986, 108 affordable rental units, 76 rental bonus credits pursuant to N.J.A.C. 5:97-3.5 and inclusionary zoning projects consisting of a total of 117 units.

Table 19, Prior Round Fair Share Plan, presents a summary of the Prior Round Fair Share Plan for Cycles I and II. Detailed information about each of the projects and programs identified below is included on the required project checklists provided within the Appendix B.

Table 19: Prior Round Fair Share Plan			
Project	Affordable Units/Credits	Unit/Credit Type	Status
Prior Round (Prior Cycle and Cycle I & II Credits)			
Rehabilitation Component			
Rehabilitation Obligation as per NJAC 5:97	0	Rehabilitated Units	-
Rehabilitation Credits	0	-	-
Total	0	-	-
Prior Cycle Credits			
Credits for Units constructed between 04/01/80 to 12/15/86	28	Credits Without Controls	-
Total	28	-	-
Rental Component (Minimum 76 units)			
Block 144.01, Lots 7, 7.01, 8-20, 22-23, 27 & 30.01 (Whispering Hills)*	18	Family Rental	Approved
Block 114.24, Lot 12 (71 Village Drive)	1	Permanent Sup. Hsg.	2001
Block 208.08, Lot 2CA (17A Emerald Drive)	3	Group Home	1998
Block 208.09, Lot 34.04C (15 Gibraltar Court)	1	Group Home	1997
Block 208.09, Lot 43.03 (21 Mediterranean Court)	1	Group Home	2001
Block 114.19, Lot 10 (19 Nautilus Avenue)	1	Group Home	2007
Block 162.02, Lot 1.03 (Walters Site)**	47	Family Rental	Proposed
Block 114.54, Lot 21.03 (55 Old Main Shore Road)	4	Group Home	2006
Block 114, Lot 14.02 (Emerald Terrace Apartments)	32	Age-restricted Rental	Built in 1989
Total	108		-
Total Rental Bonus Credits (With 2-for-1 Rental Bonus Credit)	76		-
Grand Total	184		-
Owner-Occupied Inclusionary Projects			
Block 142.01, Lot 1; Block 142.02, Lot 2.01 (High Point at Barnegat)	4	Single-Family Residential	Approved 6/19/01
Block 174.08, Lots 1-25 (J.S. Development)	3	Single-Family Residential	Approved 10/26/99
Block 114.55, Lots 26-27 (Freedom Hills)	15	Single-Family Residential	Approval 06/24/03
Block 94, Lots 2-3 (Mirage)	32	Age-Rest. Single Family	Constructed
Block 92.112, Lot 42.01 (Lighthouse Village)	26	Age-Rest. Single Family	Approval 08/13/02
Block 114.28, Lot 28; Block 114.36, Lots 20-32; Block 114.37, Lots 55-82; Block 114.50, Lots 1-20; and Block 114.51, Lots 1-6 (Independence Place)	8	Single-Family Residential	Approval 11/25/03
Block 114.54, Lot 15.05 (Tedesco Homes)	2	Single-Family Residential	Approved 3/10/05
Four Seasons @ Seacrest Pines***	14	Age-Rest. Single-Family	Approval 08/23/03
Projected Yield from remaining Vacant ML-2 Zoned Land	13	Single Family	Vacant
Total	117	-	-
Cycle I/II Totals			
Total Obligation	329	-	-
Total Credits Provided	329	-	-

* Whispering Hills contains a total of 52 units of which 18 are include within the cycle I/II Plan and 34 are included within the cycle III Plan.

** Walters Site contains a total of 70 units of which 47 are include within the cycle I/II Plan and 23 are within the cycle III Plan.

*** Four Seasons @ Seacrest Pines contains a total of 35 units of which 14 are include within the cycle I/II Plan and 21 are included within the cycle III Plan.

Prior Cycle Credits

The prior round portion of the Fair Share Plan includes a total of 28 credits from prior cycle projects. These 28-units are provided by the Credits Without Controls Survey (CWCS) for units constructed between April 1, 1980 and December 15, 1986 that are affordable to low- or moderate-income households. Documentation for these units has been provided to COAH through the Annual Monitoring report process.

Rental Component

The rental component is comprised of nine (9) inclusionary, permanent supportive housing and special needs projects totaling 108 affordable housing units, as depicted within Table 19, above. The 108 affordable units satisfy the entire 76-unit minimum rental requirement calculated above. As the minimum rental requirement is 76 units for the prior round, the Township is entitled to a total of 76 two-for-one rental bonus credits. The 108 affordable housing units plus the 76 rental bonus credits yield a total of 184 credits. Detailed information about each project identified above is included within Appendix B.

It is important to note that the Township has removed the 47-unit Regional Contribution Agreement (RCA) with the City of Long Branch for the Atlantic Heights project and the 6-unit RCA with the City of Asbury Park for the Rose Hill Estates project from its Fair Share Plan. Therefore a total of 53 RCA credits have been removed from the Plan. These 53 credits have been replaced with a 70-unit non age-restricted rental project, which is proposed to be located on the Walters site (Block 162.02, Lot 1.03). A total of 47 of the 70 units from this project are included within the cycle I/II portion of this Plan. The remaining 23 units are included within the cycle III portion of the Plan. Detailed information about this project is located within the project checklist forms within Appendix B.

Owner-Occupied Component

The prior round portion of the Plan includes nine (9) single-family residential projects as depicted within Table 19. One of the nine projects is comprised of approximately 44.21 acres vacant land within the ML-2 Zone district, which is an inclusionary zone. This vacant land is anticipated to yield a total of 13 affordable housing units in accordance with current Township Zoning Regulations. The remaining eight (8) projects are anticipated to yield 104 affordable housing units. Detailed information about each of the projects identified above is included on the individual project checklist forms within Appendix B.

Rehabilitation Share

The rehabilitation share for the Township was recalculated pursuant to the third round substantive rules. The recalculated rehabilitation share was determined to be zero (0) units, as depicted above in Table 19, in accordance with Appendix B of the third round rules. Therefore, as the Township does not have any rehabilitation obligation, no rehabilitation units are proposed.

Summary of the Cycle I and II Plan

As demonstrated above, the Township will address the 329-unit prior round obligation with 28 prior cycle credits for units that were constructed between April 1, 1980 and December 15, 1986, 108 affordable rental units, 76 rental bonus credits pursuant to N.J.A.C. 5:97-3.5 and inclusionary zoning projects consisting of a total of 117 units. Therefore, the Township of Barnegat has provided the projects and programs necessary to satisfy its entire 329-unit prior round affordable housing obligation.

C. Proposed Plan For Cycle III Obligations

Barnegat Township maintains a growth share obligation of 401 units. This Fair Share Plan sets forth a Plan, which satisfies the entire 401-unit growth share obligation.

In order to develop a Plan to satisfy the Cycle III affordable housing obligation, COAH requires that the municipality first calculate the minimum requirements and limitations for rental, age-restricted and very low-income units. These minimum requirements and limitations have been calculated within the next section of this Plan, below.

Limitations on How to Satisfy Cycle III Responsibilities

COAH sets forth formulas for the calculation of the maximum number of age-restricted units and the minimum number of affordable rental and very low-income units that may be included within this Plan at N.J.A.C. 5:97-3.10. These limitations are calculated below.

The maximum number of age-restricted units that Barnegat Township may take credit for is up to 100-units, as calculated below.

$0.25 * \text{Growth Share Obligation} = \text{Age-Restricted Unit Maximum}$

$0.25 * 401 \text{ growth share units} = \mathbf{100\text{-unit Age-Restricted Maximum}}$

In addition, the minimum number of rental units that the Township is required to provide is 25% of its growth share obligation, or 101 units, as calculated below.

0.25 * Growth Share Obligation = Rental Unit Minimum

0.25 * 401 growth share units = **101 Rental Unit Minimum**

Finally, the minimum number of very low-income units that the Township is required to provide is 13% of its growth share obligation, or 53 units, as calculated below.

0.13 * Growth Share Obligation = Very Low-Income Unit Minimum

0.13 * 401 growth share units = **53 Very Low-Income Unit Minimum**

Table 20, below, provides a summary of the limitations and minimums calculated above.

Table 20: Cycle III Limits and Requirements	
Obligation	Units/Credits Required
Rental Unit (Minimum)	100
Age-Restricted Unit (Maximum)	101
Very Low-Income Unit (Minimum)	53

The Cycle III Fair Share Plan complies with each of the above limitations and minimums, in accordance with the third round rules.

The Plan to Address Cycle III Responsibilities Within the Above Limitations

The Township will satisfy its entire 401-unit growth share obligation through 202 affordable rental units, 100 rental bonus credits, and 99 owner-occupied affordable units. Table 21 presents a summary of the Fair Share Plan for Cycle III. Detailed information about each of the projects and programs identified below is included on the required project checklists provided within Appendix B. Additionally, summary about the implementation measures and funding sources to implement these projects is included below and within the Petition Application within Appendix D.

Table 21: Summary of Cycle III Fair Share Plan			
Project	Affordable Units/Credits	Unit/Credit Type	Status
Rental Component (Minimum 101 units)			
Block 146.01, Lots 6.03-6.06 (Heritage Point LP/Patriot's Cove)	46	Family Rental Apartments	Approved
Block 144.01, Lots 7, 7.01, 8-20, 22-23, 27 & 30.01 (Whispering Hills)*	34	Family Rental Apartments	Approved
Block 114.26, Lot 27 (70 Schooner Ave)	1	Group Home	2007
Block 196.01, Lot 64 (131 Bayshore Drive)	5	Group Home	2004
Block 195.03, Lot 12 (Proposed ML Zone)	6	Family Rental Apartments	Proposed
Accessory Apartments (Max 10% of Fair Share Obl=73)	21	Family Rental Apartments	Proposed
Block 162.02, Lot 1.03 (Walters Site)**	23	Family Rental Apartments	Proposed
Market to Affordable Program Family Rental	66	Market to Affordable (Total permitted 10% of 730=73 units)	Proposed
Subtotal	202		-
Total Rental Bonus Credits (With 2-for-1 Rental Bonus Credit)	100		-
Total	302	-	-
Owner-Occupied Inclusionary Projects			
Four Seasons @ Seacrest Pines***	21	Age-Restricted Single-Family	Approval 08/23/03
Block 90.22, Lot 2 and Block 92, Lot 37 and Block 90, Lot 13 (Paramount Homes/ Escapes Ocean Breeze; Formerly Club Premier)	71	Age-Restricted Townhouse	Received Preliminary Approval; Amended Preliminary Submitted
Market To Affordable for Sale	7	Market to Affordable (Total permitted 10% of 730=73 units)	Proposed
Total	99	-	-
Cycle III Totals			
Total Obligation	401	-	-
Total Credits Provided	401	-	-

* Whispering Hills contains a total of 52 units of which 18 are include within the cycle I/II Plan and 34 are included within the cycle III Plan.

** Walters Site contains a total of 70 units of which 47 are include within the cycle I/II Plan and 23 are within the cycle III Plan.

*** Four Seasons @ Seacrest Pines contains a total of 35 units of which 14 are include within the cycle I/II Plan and 21 are included within the cycle III Plan.

Rental Component

The rental component is comprised of six (6) affordable housing projects, which provide 130 affordable housing units, an Accessory Apartment Program consisting of 6 affordable rental units and a Market to Affordable Program, which is proposed to provide 66 affordable rental units. The 202 affordable units satisfy the entire 101-unit minimum rental requirement calculated above. Additionally, the Township is entitled to a total of 100 two-for-one rental bonus credits in accordance with the requirements set forth within COAH's regulations. The 202 affordable housing units plus the 100 rental bonus credits yield a total of 302 affordable housing credits, as indicated in Table 21, above.

Detailed information about each project identified above is included within Appendix B. Additionally, detailed information about the Market to Affordable Program and the Accessory Apartment Program is included within Appendix E and Appendix F, respectively.

Inclusionary Component

The Cycle III portion of the Plan includes two (2) owner-occupied age-restricted projects known as Four Seasons at Seacrest Pines and Paramount Homes / Escapes Ocean Breeze. Additionally, the Plan includes 7 affordable owner-occupied units, which are proposed to be provided through the Market to Affordable Program. These projects and programs provide a total of 99 affordable units. Detailed information about each of these projects is included within the project checklist forms within Appendix B and the petition application form within Appendix D. Additionally, detailed information about the Market to Affordable Program is included within Appendix E.

Very Low-Income Unit Requirement

The Township of Barnegat is required to provide a total of 13% of its growth share obligation as units affordable to households that qualify under the very low-income criteria. The minimum requirement for the Township is 13% of its 401-unit growth share obligation, or 53 very low-income units. All 53 very low-income units will be provided within the projects included within this Fair Share Plan. The specific number of very-low income units to provided within each project is currently being determined. At this time the Township has determined that the two (2) bedrooms out of the total six (6) special needs bedrooms addressing the Cycle III portion of the plan will be applied towards satisfying the very-low income unit requirement. Additionally, three (3) units out of the total six (6) units within the proposed ML Zone (Block 195.03, Lot 12), addressing the Cycle III portion of the plan, will be very low income units. More detailed information about this portion of the Township's Fair Share Plan will be provided to COAH under separate cover.

Market to Affordable Program

As mentioned previously, a Market to Affordable Program comprised of a total of 73 non age-restricted affordable units is proposed to be included the Cycle III portion of the Plan. A total of 66 of the total 73 units will be family rental units, while the remaining 7 will be owner-occupied units. Each unit will be subsidized through a written agreement with the property owner and a 30-year deed restriction will be recorded for each unit. The proposed market to affordable program will comply with all applicable requirements set forth within N.J.A.C. 5:97-6.9. More detailed information about this program is included within Appendix E of this Plan.

Accessory Apartment Program

An Accessory Apartment Program is proposed to be established by ordinance to include accessory apartments for low and moderate-income households. A total of 21 non age-restricted family rental units are proposed to be included the Cycle III portion of the Plan through this program. Each unit will be subsidized through a written agreement with the property owner and a 30-year deed restriction will be recorded for each unit. This program will comply with all applicable requirements set forth within N.J.A.C. 5:97-6.8. More detailed information about this program is included within Appendix F of this Plan.

Funding the Plan Through Grants, the Township's Development Fee Ordinance, or Other Necessary Measures

The Council On Affordable Housing has recently released a detailed funding guide, which anticipates an opportunity for roughly \$800,000,000 of affordable housing funding per year. As such, the Township is relying in good faith on COAH's public funding statements and upon the revenue generated by the proposed amended development fee ordinance to provide sufficient funding to assure the economic feasibility of the Township's proposed compliance techniques.

Development fees are paid in association with the residential and non-residential development process to aid in the provisions of affordable housing. The New Jersey Supreme Court, in Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 issued on December 13, 1990, determined that mandatory development fees are both statutorily and constitutionally permitted. However, a municipality may only impose and collect development fees if the municipality has received judicial or administrative approval of its development fee ordinance.

Development fees may be used to support virtually any activity designed to implement a Fair Share Plan. Pursuant to N.J.A.C. 5:97-6.6 within the third round substantive rules, development fees are permitted at a maximum of one and one-

development and, when an increase in density is involved pursuant to a “d” variance, the fee is a maximum of six percent of the equalized assessed value of each additional unit plus one percent for each originally permitted unit. Non-residential fees must be assessed at a rate of two and one-half percent of the equalized assessed value of the development in accordance with Affordable Housing Reform Statute, P.L. 2008, c.46, which became effective on July 17, 2008.

Article XXII of the Township of Barnegat land development code sets forth the requirements for affordable housing within the municipality. The regulations governing the development fee and housing trust fund are established pursuant to Section 55-351, which was adopted by the Township on July 05, 2005, by Ordinance No. 2005-41. This ordinance imposes mandatory development fees and established an affordable housing trust form. A copy of the Township’s existing development fee ordinance is included within Appendix G.

The Township of Barnegat proposes to amend this ordinance pursuant to N.J.A.C. 5:97-8.3 and would require developers to pay a fee of one and a half percent of the equalized assessed value for residential development that would be in compliance with the density requirement and six percent of the equalized assessed value for each additional unit that may be realized for density increase residential development approvals granted pursuant to N.J.S.A. 40:55D-70d (5). Non-residential fees are proposed to be assessed at a rate of two and one-half percent of the equalized assessed value of the development in accordance with Affordable Housing Reform Statute, P.L. 2008, c.46, which became effective on July 17, 2008. A copy of the Township’s proposed development fee ordinance is included within Appendix H of this Plan.

Affordable Housing Ordinance and Spending Plan

The Township has included a draft affordable housing ordinance within Appendix I of this Plan. This Ordinance includes an affirmative marketing plan and other measures required by COAH for the administration of affordable housing projects. In addition, a Draft Spending Plan and a Draft Escrow Agreement are included within Appendix J of this Fair Share Plan. Detailed information about each of the documents is provided within the Petition Application Form included within Appendix D of this Plan.

Summary of the Proposed Cycle III Plan

The Township will satisfy its entire 401-unit Cycle III obligation through the 202 affordable rental units, 100 rental bonus credits, and 99 owner-occupied affordable units identified above. As demonstrated above, and within the Petition Application and individual project checklist forms, this Housing Plan Element and Fair Share Plan satisfies all applicable requirements of COAH’s regulations.

D. Summary of the Fair Share Plan

The Township will satisfy its 329-unit prior round obligation through 28 prior cycle credits for units that were constructed between April 1, 1980 and December 15, 1986, 108 affordable rental units, 76 rental bonus credits pursuant to N.J.A.C. 5:97-3.5 and inclusionary zoning projects consisting of a total of 117 units. Therefore the Township has provided the projects and programs necessary to satisfy its entire 329-unit prior round affordable housing obligation.

The Township will satisfy its 401-unit growth share obligation by providing 202 affordable rental units, 100 rental bonus credits and 99 owner-occupied affordable housing units. As demonstrated above, the Township of Barnegat Housing Plan Element and Fair Share Plan meets all of the applicable requirements set forth within COAH's regulations, the Fair Housing Act and the Affordable Housing Reform Statute. The strategies, funding sources and implementation measures described above will be utilized to implement the Fair Share Plan and provide an effective means of constructing affordable housing within Barnegat Township.

SECTION III

FAIR SHARE PLAN SUMMARY TABLE

Table 22: Cumulative Cycles I, II and III Credit Analysis			
Project	Affordable Units/Credits	Unit/Credit Type	Status
Prior Round (Prior Cycle and Cycle I & II Credits)			
Rehabilitation Component			
Rehabilitation Obligation as per NJAC 5:97	0	Rehabilitated Units	-
Rehabilitation Credits	0	-	-
Total	0	-	-
Prior Cycle Credits			
Credits for Units constructed between 04/01/80 to 12/15/86	28	Credits Without Controls	-
Total	28	-	-
Rental Component (Minimum 76 units)			
Block 144.01, Lots 7, 7.01, 8-20, 22-23, 27 & 30.01 (Whispering Hills)*	18	Family Rental Apartments	Approved
Block 114.24, Lot 12 (71 Village Drive)	1	Permanent Supportive Housing	2001
Block 208.08, Lot 2CA (17A Emerald Drive)	3	Group Home	1998
Block 208.09, Lot 34.04C (15 Gibraltar Court)	1	Group Home	1997
Block 208.09, Lot 43.03 (21 Mediterranean Court)	1	Permanent Supportive Housing	2001
Block 114.19, Lot 10 (19 Nautilus Avenue)	1	Group Home	2007
Block 162.02, Lot 1.03 (Walters Site)**	47	Family Rental Apartments	Proposed
Block 114.54, Lot 21.03 (55 Old Main Shore Road)	4	Group Home	2006
Block 114, Lot 14.02 (Emerald Terrace Apartments)	32	Age-restricted Rental	Built in 1989
Total	108		-
Total Rental Bonus Credits (With 2-for-1 Rental Bonus Credit)	76		-
Grand Total	184		-
Owner-Occupied Inclusionary Projects			
Block 142.01, Lot 1; Block 142.02, Lot 2.01 (High Point at Barnegat)	4	Single-Family Residential	Approved 06/19/01
Block 174.08, Lots 1-25 (J.S. Development)	3	Single-Family Residential	Approved 10/26/99
Block 114.55, Lots 26-27 (Freedom Hills)	15	Single-Family Residential	Approval 06/24/03
Block 94, Lots 2-3 (Mirage)	32	Age-Restricted Single Family	Constructed
Block 92.112, Lot 42.01 (Lighthouse Village)	26	Age-Restricted Single Family	Approval 08/13/02
Block 114.28, Lot 28; Block 114.36, Lots 20-32; Block 114.37, Lots 55-82; Block 114.50, Lots 1-20; and Block 114.51, Lots 1-6 (Independence Place)	8	Single-Family Residential	Approval 11/25/03
Block 114.54, Lot 15.05 (Tedesco Homes)	2	Single-Family Residential	Approved 3/10/05
Four Seasons @ Seacrest Pines***	14	Age-Restricted Single-Family	Approval 08/23/03
Projected Yield from remaining Vacant ML-2 Zoned Land	13	Single Family	Vacant
Total	117	-	-
Age-Restricted Unit Analysis			
Age-Restricted Unit Maximum***	105	-	-
Proposed Age-Restricted Units	104	-	-
Units Ineligible for Credit	0	-	Compliant
Cycle I/II Totals			
Total Obligation	329	-	-
Total Credits Provided	329	-	-
Shortfall	0	-	-

Cycle III			
Rental Component (Minimum 101 units)			
Block 146.01, Lots 6.03-6.06 (Heritage Point LP/Patriot's Cove)	46	Family Rental Apartments	Approved
Block 144.01, Lots 7, 7.01, 8-20, 22-23, 27 & 30.01 (Whispering Hills)*	34	Family Rental Apartments	Approved
Block 114.26, Lot 27 (70 Schooner Ave)	1	Group Home	2007
Block 196.01, Lot 64 (131 Bayshore Drive)	5	Group Home	2004
Block 195.03, Lot 12 (Proposed ML Zone)	6	Family Rental Apartments	Proposed
Accessory Apartments (Max 10% of Fair Share Obl=73)	21	Family Rental Apartments	Proposed
Block 162.02, Lot 1.03 (Walters Site)**	23	Family Rental Apartments	Proposed
Market to Affordable Program Family Rental	66	Market to Affordable (Total permitted 10% of 730=73 units)	Proposed
Subtotal	202		-
Total Rental Bonus Credits (With 2-for-1 Rental Bonus Credit)	100		-
Total	302	-	-
Owner-Occupied Inclusionary Projects			
Four Seasons @ Seacrest Pines***	21	Age-Restricted Single-Family	Approval 08/23/03
Block 90.22, Lot 2 and Block 92, Lot 37 and Block 90, Lot 13 (Paramount Homes/ Escapes Ocean Breeze; Formerly Club Premier)	71	Age-Restricted Townhouse	Received Preliminary Approval; Amended Preliminary Submitted
Market To Affordable for Sale	7	Market to Affordable (Total permitted 10% of 730=73 units)	Proposed
Total	99	-	-
Age-Restricted Unit Analysis			
Age-Restricted Unit Maximum	100	-	-
Proposed Age-Restricted Units	92	-	-
Cycle III Totals			
Total Obligation	401	-	-
Total Credits Provided	401	-	-
Cumulative Cycles I, II and III			
Total Obligation	730	-	-
Rehabilitation Component Units Required	0	-	-
Cycle I and II Credits Provided	329	-	-
Cycle III Credits Provided	401	-	-
Total Cumulative Credits Provided	730	-	-

* Whispering Hills contains a total of 52 units of which 18 are include within the cycle I/II Plan and 34 are included within the cycle III Plan.

** Walters Site contains a total of 70 units of which 47 are include within the cycle I/II Plan and 23 are included within the cycle III Plan.

*** Four Seasons @ Seacrest Pines contains a total of 35 units of which 14 are include within the cycle I/II Plan and 21 are included within the cycle III Plan.

SECTION IV
APPENDICES

APPENDIX A
COAH WORKBOOKS

Workbook B:
Summary of Growth Share Determination Using Municipal Projections

Municipality Name: Barnegat Township

(Note: Municipalities seeking a lower growth projection based on the lack of available land may not use Workbook B. Rather, these municipalities must use Workbook C.)

[CLICK HERE to go to Workbook C](#)

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. Worksheet A is the tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

[Click Here to complete Worksheet A](#)

Municipalities anticipating that growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH should complete Worksheet A and Worksheet B. Worksheet A establishes a projected Growth Share Obligation based on COAH-generated growth projections against which the municipally determined Growth Share Obligation will be compared. Municipal alternative growth projections that exceed COAH projections would be used if the municipality anticipates growth higher than what COAH has projected and seeks to plan accordingly.

[Click Here to complete Worksheet B](#)

Summary Of Worksheet Comparison

COAH Projected Growth Share	COAH Projected Growth Share (From Worksheet A)	Municipally Projected Growth Share (From Worksheet B)
Residential Growth	1,085	1,791
Residential Exclusions	0	0
Net Residential Growth	1,085	1,791
Residential Growth Share	217.00	358.20
Non-Residential Growth	1,967	687
Non-Residential Exclusions	0	0
Net Non- Residential Growth	1,967	687
Non-Residential Growth Share	122.94	42.93
Total Growth Share	340	401

The Municipal growth share projection exceeds the COAH projection. Please file Workbook B and use a Residential Growth share of 358.2 units plus a Non-residential growth share of 42.93 units for a total growth share obligation of 401 affordable units.

Worksheet B
Growth Share Determination Using Municipal Projections

Municipality Name:

Barnegat Township

Actual Growth 01/01/04 to Present

Residential COs Issued	1521				
		Square Feet Added (COs Issued)	Square Feet Lost Demolition Permits Issued)	Jobs/1,000 SF	Total Jobs
Non-residential CO's by Use Group					
B		33,308		2.8	93.26
M		15,312		1.7	26.03
F		46,529		1.2	55.83
S				1.0	0.00
H				1.6	0.00
A1				1.6	0.00
A2				3.2	0.00
A3		5,562		1.6	8.90
A4				3.4	0.00
A5				2.6	0.00
E				0.0	0.00
I				2.6	0.00
R1		94,662		1.7	160.93
Total		195,373	0		345

Projected Growth through 12/31/18 not included in actual above

Pending Residential Approvals	
Known Residential Development Applications	
Additional Projected Residential Growth through 2018	270

Pending, Known and Anticipated Non-Residential Growth by Use Group		Square Feet Projected to be built	Square Feet Projected to be Demolished	Jobs/1,000 SF	Total Jobs
B		50,000		2.8	140.00
M		100,000		1.7	170.00
F				1.2	0.00
S				1.0	0.00
H				1.6	0.00
A1				1.6	0.00
A2		10,000		3.2	32.00
A3				1.6	0.00
E				0.0	0.00
I				2.6	0.00
R1				1.7	0.00
Total		160,000	0		342

Residential

Non-Residential

Worksheet A: Growth Share Determination Using Published Data

(From Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections

Must be used in all submissions

Municipality Name:

Barnegat Township

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2)*	1,085	1,967
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
Subtract the following Non-Residential Exclusions Pursuant to 5:97-2.4(b)		
Affordable units	0	
Associated Jobs		0
3 Net Growth Projection	1,085	1,967
4 Projected Growth Share (Conversion to Affordable Units Divide HH by 5 and Jobs by 16)	217.00 Affordable Units	122.94 Affordable Units
5 Total Projected Growth Share Obligation		340 Affordable Units

[Click Here to return to Workbook B Summary](#)

* Use Appendix F(2), Figure A.1, Housing Units by Municipality for Residential growth and Appendix F(2), Figure A.2, Employment by Municipality for Non-residential growth.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: **Barnegat Township**

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rental? Y/N	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

When finished, click here to return to Worksheet A

APPENDIX B
PROJECT CHECKLISTS

HERITAGE POINT, LP (PATRIOT'S COVE)

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**

(Submit separate checklist for each site or project)

General Description

Municipality/County: Barnegat Township, Ocean Township

Project Name: Heritage Point LP (Patriot's Cove)

Block(s) and Lot(s): Block 146.01, Lots 6.03-6.06

Affordable Units Proposed: 46

Family: 46

Sale: _____

Rental: 46

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: _____

Compliance Bonus as per N.J.A.C. 5:97-3.17: _____

Date zoning adopted: _____ Date development approvals granted: _____

Required Information and Documentation with Petition or in Accordance with an

Implementation Schedule

- ☒ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☒ in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

- ☐ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☐ No. Continue with this checklist.

☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☒ Name and address of owner
- ☒ Subject property street location
- ☒ Subject property block(s) and lot(s)
- ☒ Subject property total acreage
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Description of previous zoning
- ☒ Current zoning and date current zoning was adopted
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas
- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site

- ☒ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☐ Pro-forma statement for the project
- ☐ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification			

RFP Process			
Developer Selection			
Executed Agreement with provider, sponsor or developer			
Development Approvals			
Contractor Selection			
Building Permits			
Occupancy			

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	
Site Suitability Description	
Environmental Constraints Statement	

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources		
Project Pro-forma		

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds		
---	--	--

100% or Municipally Sponsored Narrative Section

Heritage Point, L.P. (Block 146.01, Lots 6.03-6.06), which is located in the CPHD zone, is comprised of 46 affordable apartment units that will account for the affordable housing contributions of both the Heritage Point North and Heritage Point South projects, which are located west of the Garden State Parkway and contain a total of 921 PAC units. This project is currently under construction.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

FOUR SEASONS AT SEACREST PINES

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: Four Seasons @ Seacrest Pines

Block(s) and Lot(s): Block 87, Lot 7; Block 87.02, Lot 2; Block 90, Lots 2 & 3; Block 90.01, Lot 1; Block 90.02, Lots 1-6; Block 90.03, Lots 1-3; Block 90.05, Lots 3 & 4; Block 90.06, Lots 3-6; Block 90.07, Lots 1-5; Block 90.08, Lots 1-3; Block 90.09, Lots 1-3, 5, 7 & 9; Block 90.10, Lots 1-6; and Block 90.11, Lots 1-8

Total acreage: 164.43

Proposed density (units/gross acre): 2.1

Affordable Units Proposed: 35

Family: _____

Sale: _____

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: 35

Sale: 35

Rental: _____

Market-Rate Units Anticipated: 312

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers

- ☒ Steep slopes
- ☒ Flood plain areas
- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☐ Number, tenure and type of units
- ☐ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☐ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

A 347 age-restricted single-family unit development known as the Four Seasons @ Seacrest Pines (Block 87, Lot 7; Block 87.02, Lot 2; Block 90, Lots 2 & 3; Block 90.01, Lot 1; Block 90.02, Lots 1-6; Block 90.03, Lots 1-3; Block 90.05, Lots 3 & 4; Block 90.06, Lots 3-6; Block 90.07, Lots 1-5; Block 90.08, Lots 1-3; Block 90.09, Lots 1-3, 5, 7 & 9; Block 90.10, Lots 1-6; and Block 90.11, Lots 1-8), located in the PF and RL/AC zones, has received approval from Barnegat Township. This development is comprised of 312 age-restricted single-family market-rate units and 35 age-restricted single-family
affordable
units.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

FREEDOM HILLS

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: Freedom Hills

Block(s) and Lot(s): Block 114.55, Lot 26-27

Total acreage: 58.77

Proposed density (units/gross acre): 2

Affordable Units Proposed: 15

Family: 15

Sale: 15

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 101

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☐ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

Freedom Hills (Block 114.55, Lots 26 & 27) is located in the ML-3 and R-10 zones and is comprised of a total of 58.77 acres. The development is slated to construct 116 single-family units including 101 single-family market-rate units and 15 single-family affordable units. This project has received approval from the Township and the majority of the units have been constructed. The development is located along the southern border of the Township. The development site is bounded by the Garden State Parkway to along the western extent of the development and by Route 9 to the east. Existing residential land uses are located to the north of the site, while proposed residential land uses are located to the east of the subject site. Commercial uses were identified to the east of the subject site along the Route 9 corridor. Georgetown Boulevard provides adequate access to the site, as it runs in an east to west direction along the northern border of the site. Georgetown Boulevard connects with Route 9 just _____ east _____ of _____ the site.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

HIGH POINT AT BARNEGAT

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: High Point at Barnegat

Block(s) and Lot(s): Block 142.01, Lot 1; Block 142.02, Lot 2.01

Total acreage: 18.34

Proposed density (units/gross acre): 2.2

Affordable Units Proposed: 4

Family: 4

Sale: 4

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 36

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

High Pointe at Barnegat (Block 142.01, Lot 1 and Block 142.04, Lot 2.01) is located in the ML-2 zone in the north-central portion of the Township and is comprised of 18.34 acres. The development is slated to construct a 40-unit development, which includes 36 single-family market-rate units and 4 single-family affordable units. This project has received approval from the Township. The site is situated amongst compatible land uses, as existing commercial land uses were identified to east of the site along the Route 9 corridor, while existing and proposed residential land uses bound the site to the north, west and east. The development site has adequate access provided by Barnegat Boulevard, which bounds the site to the north and west. Barnegat Boulevard is a main thruway in the Township, which runs in a north to south direction and connects with Route 9 just north of the subject site. This site maintains sewer and water service and is suitable for development with affordable housing.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

INDEPENDENCE PLACE

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: Independence Place

Block(s) and Lot(s): Block 114.28, Lot 28; Block 114.36, Lots 20-32; Block 114.37, Lots 55-82; Block 114.50, Lots 1-20; Block 114.51, Lots 1-6

Total acreage: 69.55

Proposed density (units/gross acre): 1.4

Affordable Units Proposed: 8

Family: 8

Sale: 8

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 40

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

Independence Place (Block 114.28, Lot 28, Block 114.36, Lots 20-32, Block 114.37, Lots 55-82, Block 114.50, Lots 1-20 and Block 114.51, lots 1-6) is located in the R-6 and ML-3 zones and is comprised of 48 single-family units. The project will provide 40 single-family market-rate units and 8 single-family affordable units. The majority of the project is constructed. The subject site is located on a total of 69.55 acres. The subject site is situated in the southern portion of the Township just west of Route 9. The site is located amongst existing residential land uses to the north, west and south. Commercial land uses exist a short distance to the east of the development site along the Route 9 corridor. The main point of access is provided to the development site via Starboard Avenue. Starboard Avenue generally runs in an east west direction and bisects Old Main Shore Road northeast of the development site. This site maintains sewer and water service and is suitable for development with affordable housing.

—

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

LIGHTHOUSE VILLAGE

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: Lighthouse Village

Block(s) and Lot(s): Block 92.112, Lot 42.01

Total acreage: 112.58

Proposed density (units/gross acre): 2.2

Affordable Units Proposed: 26

Family: _____

Sale: _____

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: 26

Sale: 26

Rental: _____

Market-Rate Units Anticipated: 221

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

Lighthouse Village is located in the south-central portion of the Township. This project contains a total of 247 units, comprised of 26 affordable age-restricted single-family units and 221 market rate single-family units. Lighthouse Village is comprised of a total of 112.58 net developable acres and received approval from the Township on August 13, 2002. This site is bounded by the Garden State Parkway to the east, commercial land uses to the north, and residential land uses to the west and the south.

Environmental constraints were not identified on or approximate to Lighthouse Village. As wetlands and wetlands buffer areas were not identified on or adjacent to the subject site, wetlands and wetlands buffer areas do not preclude any areas of the subject site from development. A thorough analysis of the existing geography of the Township did not reveal slopes in excess of 15%, therefore critical slope areas do not preclude any portion of the subject site from development. As C1 waterways and buffer areas were not identified on or adjacent to the subject site C1 waterways and buffer areas do not

preclude any portion of the subject site from development. Additionally, the subject site is located within Suburban Planning Area (PA2), as designated by the Office of State Planning, which is a preferred location for the development of affordable housing in accordance with COAH rules.

As discussed above, existing sewerage infrastructure was identified near the subject site and is provided by the Barnegat Township Sewer and Water Department. The Barnegat Township Sewer and Water Department provides public water to the subject site.

Lighthouse Village is comprised of CN and RL/AC zoned residential parcels. Moreover, as this site is adjacent to other RL/AC zoned residential age-restricted parcels, which permit single-family residential development, inclusionary development of the Lighthouse Village site would be compatible with these land uses. In addition, sufficient street access is provided to the subject site. As this site is adjacent to compatible land uses and similarly zoned parcels, has access to appropriate streets and is consistent with the environmental policies delineated within the Pinelands commission as discussed above, this site is consistent with the definition of “suitable site.”

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

**PARAMOUNT HOMES/ESCAPES OCEAN
BREEZE**

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: Paramount Homes/Escapes Ocean Breeze

Block(s) and Lot(s): Block 90.22, Lot 2; Block 92, Lot 37; Block 90, Lot 13

Total acreage: 247.11

Proposed density (units/gross acre): 2

Affordable Units Proposed: 71

Family: _____

Sale: _____

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: 71

Sale: 71

Rental: _____

Market-Rate Units Anticipated: 513

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

The Paramount Homes/Escapes Ocean Breeze project has received preliminary approval from the Township. This project is proposed to include a total of 584 age-restricted town homes, comprising 71 affordable age-restricted townhouse units and 513 market rate age-restricted townhouse units. The subject site comprises a total 247.11 acres and is located in the southwestern portion of the Township. The site is bounded by the Stafford Township border to the south and residential land uses to the north, west and the east.

Wetlands and wetlands buffer areas, critical slope areas in excess of 15%, and C1 waterways and buffer areas were not identified on or adjacent to the subject site. Therefore, environmental constraints do not preclude any portion of the subject site from development. Additionally, the subject site is located within Suburban Planning Area (PA2), as designated by the Office of State Planning, which is a preferred location for the development of affordable housing in accordance with COAH rules.

Existing sewer and water infrastructure provided by the Barnegat Township Sewer and Water Department, was identified parallel to Cloverdale Road, which extends through the central portion of the project site. Additionally, the site is comprised of RL/AC and PF zoned residential parcels. As this site is adjacent to other RL/AC zoned residential age-restricted parcels, as well as RH zoned and PF zoned parcels, which permit single residential development, inclusionary development of the site would be compatible with these land uses.

An evaluation of street access showed that Old Cloverdale Road provides access to the subject site. Old Cloverdale Road bisects Route 554, a main artery in the Township, just north of the project site, thereby providing acceptable access to the subject site. As this site is adjacent to compatible land uses and similarly zoned parcels, has access to appropriate streets and is consistent with the environmental policies delineated within the Pinelands commission as discussed above, this site is consistent with the definition of “suitable site.”

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

PROPOSED ML ZONE

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township, Ocean County

Project Name/Zoning Designation: Proposed ML Zone

Block(s) and Lot(s): Block 195.03, Lot 12

Total acreage: 5.14

Proposed density (units/gross acre): 7.78

Affordable Units Proposed: 6

Family: 6

Sale: _____

Rental: 6

Very low-income units: 3

Sale: _____

Rental: 3

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 34

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes

- ☒ Flood plain areas
- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

The subject site is comprised of 5.14 acres and is proposed to be rezoned to permit inclusionary affordable housing project and provide a minimum of six (6) affordable family rental units. Based upon a review of NJDEP freshwater wetlands mapping, the site does not appear to contain any wetlands of buffer areas. The subject site maintains access to sewer and water infrastructure. Based upon a preliminary analysis, the subject appears to qualify as a suitable site for the construction of affordable housing.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

TEDESCO HOMES

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township, Ocean County

Project Name/Zoning Designation: Tedesco Homes

Block(s) and Lot(s): Block 114.54, Lot 15.05

Total acreage: 16.42

Proposed density (units/gross acre): 1.4

Affordable Units Proposed: 2

Family: 2

Sale: 2

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 16

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes

- ☒ Flood plain areas
- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

Tedesco Homes, Inc. (Block 114.54, Lot 15.05), an 18-unit single-family development located in the ML-2 and R-20 zones, has received approval from the Township. This project is comprised of 16 single-family market-rate units and 2 single-family affordable units and is located on a total of 16.42 acres. The subject site is located in the south central portion of the Township. The site is compatible with surrounding land uses, as existing residential land uses surround the development site to the north, west and south. In addition, commercial land uses were identified adjacent and to the east of the subject site along the Route 9 corridor. Adequate site access is provided by Railroad Road, which runs parallel to the subject site in a north south direction. The subject site maintains access to sewer and water service. Therefore, this site is suitable for development with affordable housing.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

WHISPERING HILLS

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: Whispering Hills

Block(s) and Lot(s): Block 144.01, Lots 7, 7.01, 8-20, 22-23, 27, & 30.01

Total acreage: 63.52

Proposed density (units/gross acre): 4

Affordable Units Proposed: 52

Family: 52

Sale: _____

Rental: 52

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 206

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

Whispering Hills (Block 144.01, Lots 7, 7.01, 8-20, 22, 23, 27 & 30.01) is a 258-unit development located in the ML-1 zone located on a site that is comprised of 63.52 acres. The proposed development proposes to construct 206 single-family and townhouse market-rate units and 52 affordable apartment units. This project has been approved by the Township. The subject site is located in the northeastern portion of the Township, adjacent and to the west of the Route 9 corridor. Existing commercial land uses exist to the east of the proposed development along the Route 9 corridor, while existing and proposed residential land uses bound the site to the north, west and east. The main point of access to the proposed site is provided by Rose Hill Rd., which bounds the proposed development to the south. Rose Hill Rd. generally runs in an east west direction through the northern portion of the Township and bisects Route 9, a short distance to the west of the proposed development. This project maintains access to sewer and water service. Therefore, this site is suitable for development with affordable

housing.

-

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

WALTERS SITE

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**

(Submit separate checklist for each site or project)

General Description

Municipality/County: Barnegat Township, Ocean Township

Project Name: Walters Site

Block(s) and Lot(s): Block 162.02, Lots 1.03

Affordable Units Proposed: 70

Family: 70

Sale: _____

Rental: 70

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: _____

Compliance Bonus as per N.J.A.C. 5:97-3.17: _____

Date zoning adopted: _____ Date development approvals granted: _____

**Required Information and Documentation with Petition or in Accordance with an
Implementation Schedule**

- ☒ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☒ in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

- ☐ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☐ No. Continue with this checklist.

- ☒ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☒ Name and address of owner
- ☒ Subject property street location
- ☒ Subject property block(s) and lot(s)
- ☒ Subject property total acreage
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Description of previous zoning
- ☒ Current zoning and date current zoning was adopted
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas
- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site

- ☒ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☐ Pro-forma statement for the project
- ☐ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification			

RFP Process			
Developer Selection			
Executed Agreement with provider, sponsor or developer			
Development Approvals			
Contractor Selection			
Building Permits			
Occupancy			

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	
Site Suitability Description	
Environmental Constraints Statement	

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources		
Project Pro-forma		

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds		
---	--	--

100% or Municipally Sponsored Narrative Section

The Walters site (Block 162.02, Lot 1.03) is comprised of 5.47 acres and is owned by Waters Homes, Inc., 500 Barnegat Boulevard, N#100, Barnegat, NJ 08005. The proposed project is a 100% affordable 70-unit affordable family rental project, which is proposed to be funded in part through 9% tax credits. The site does not contain any wetlands according to NJDEP's GIS data. This site has access to sewer and water service. The subject site is located within the R-20 Zone and is surrounded by residential uses to the north and west and vacant land to the east and south. Based upon the information provided above, this site is suitable for the proposed 70-unit 100% affordable housing project.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: Mirage

Block(s) and Lot(s): Block 94, Lots 2-3

Total acreage: _____ Proposed density (units/gross acre): _____

Affordable Units Proposed: 32

Family: _____ Sale: _____ Rental: _____

Very low-income units: _____ Sale: _____ Rental: _____

Age-Restricted: 32 Sale: 32 Rental: _____

Market-Rate Units Anticipated: 392

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

The Mirage was identified in the Pinelands Management Area Regional Growth Area and is subject to the N.J.A.C. 7:50 Pinelands Comprehensive Management Plan. The Regional Growth Management Area consists of areas of existing growth and adjacent lands capable of accommodating regional growth influences while protecting the essential character and environment of the Pinelands. Residential development in the Regional Growth Area is permitted at a density of approximately 3 homes per acre where existing sewer infrastructure is present.

The Mirage is a 424 unit age-restricted single-family development located in the RL/AC zone, in the northwestern portion of the Township. It is comprised of 392 age-restricted single-family market-rate units and 32 age-restricted single-family affordable units. This project has received approval from the Township and is currently being constructed. As this project is under construction, it is presumed that all applicable policies of the Pinelands Management Area have been satisfied. Based upon the information presented above, this site is suitable for development with affordable

housing.

—

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Barnegat Township/Ocean County

Project Name/Zoning Designation: JS Development

Block(s) and Lot(s): Block 174.08, Lots 1-25

Total acreage: 17.28

Proposed density (units/gross acre): 1.4

Affordable Units Proposed: 3

Family: 3

Sale: 3

Rental: _____

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 24

Non-Residential Development Anticipated (in square feet), if applicable: _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: 10/26/1999

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☒ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☒ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☒ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

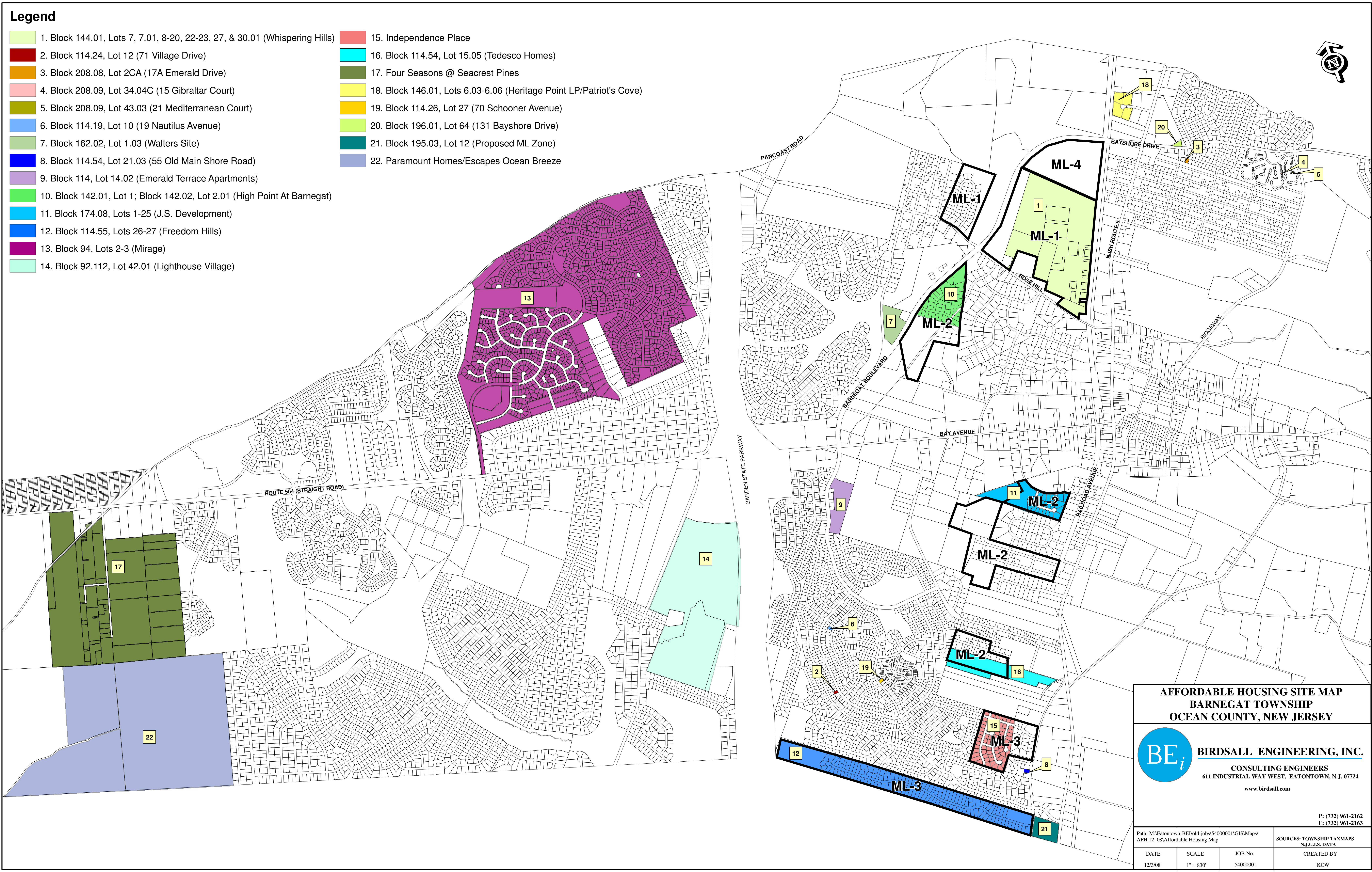
- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

The JS Development project (Block 174.08, Lots 1-25) was approved by the Township on October 26, 1999 and is currently being constructed. The development is located in the ML-2 Zone and is comprised of 17.28 acres. This project is comprised of 24 single-family units, including 21 single-family market-rate units and 3 single-family affordable units. The development site is located in the central portion of the Township, just south of Route 534. The development site is compatible with surrounding land uses, as existing residential land uses bound the development site from all sides. In addition, commercial land uses were identified just east of the subject site along the Route 9 corridor. Adequate site access is provided by Railroad Road, which runs parallel to the subject site in a north to south direction. The subject site has sewer and water service. Based upon the information presented above, the subject site is suitable for the construction of affordable housing.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

APPENDIX C
AFFORDABLE HOUSING SITE MAP



**Inventory of Sites Changed From Non-residential to Residential Use
(P.L 2008 c.46)**

Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)(2) (for-sale housing) and N.J.A.C. 5:97-6.4(b)(6) (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

[illegible]

Change of Use Narrative Section

None _____ at _____ this _____ time _____

APPENDIX E

**DOCUMENTATION FOR THE MARKET TO
AFFORDABLE PROGRAM**

MARKET TO AFFORDABLE PROGRAM (N.J.A.C. 5:97-6.9)

General Description

Municipality/County: Barnegat Township, Ocean County

Affordable Units Proposed: 73

Family Rentals: 66

Low-Income: 33

Moderate-Income: 33

Age-Restricted Rentals: _____

Low-Income: _____

Moderate-Income: _____

Family For-Sale: 7

Low-Income: 4

Moderate-Income: 3

Age-Restricted For-Sale: _____

Low-Income: _____

Moderate-Income: _____

Average expenditure:

For each low-income unit: \$ _____

For each moderate-income unit: \$ _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Information and Documentation Required with Petition

☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☒ in lieu of submitting forms.)

- ☒ Demonstration that there are sufficient market-rate units within the municipality on the multiple listing service for a viable program
- ☐ Estimate of the amount required to subsidize typical for-sale and/or rental units including any anticipated rehabilitation costs
- ☒ Documentation of funding sources
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Spending plan including the details to implement this program

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ Affirmative Marketing Plan in accordance with UHAC

Market to Affordable Narrative Section

A Market to Affordable Program comprised of a total of 73 non age-restricted affordable units is proposed to be included the Cycle III portion of the Plan. A total of 66 of the total 73 units will be family rental units, while the remaining 7 will be owner-occupied units. Each unit will be subsidized through a written agreement with the property owner and a 30-year deed restriction will be recorded for each unit. The proposed market to affordable program will comply with all applicable requirements set forth within N.J.A.C. 5:97-6.9.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

APPENDIX F

**DOCUMENTATION FOR THE ACCESSORY
APARTMENT PROGRAM**

ACCESSORY APARTMENTS (N.J.A.C. 5:97-6.8)

General Description

Municipality/County: Barnegat Township, Ocean Township

Affordable Units Proposed: 21

Family: 21

Low-Income: 3

Moderate-Income: 3

Age-Restricted: _____

Low-Income: _____

Moderate-Income: _____

Average expenditure:

For each low-income unit: \$ _____

For each moderate-income unit: \$ _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☒ in lieu of submitting forms.)
- ☐ Draft or adopted accessory apartment ordinance
- ☒ Documentation of funding sources
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Demonstration that the housing stock lends itself to accessory apartments
- ☒ Demonstration that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartments (indicate below type of infrastructure)
 - ☒ Public water and sewer system; OR
 - ☐ If served by individual well and/or septic system, the municipality must show that the well and/or septic system meet the appropriate NJDEP standards and have sufficient capacity for additional unit

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ Affirmative Marketing Plan in accordance with UHAC

Accessory Apartment Narrative Section

An Accessory Apartment Program is proposed to be established by ordinance to include accessory apartments for low and moderate-income households. A total of 21 non age-restricted family rental units are proposed to be included the Cycle III portion of the Plan through this program. Each unit will be subsidized through a written agreement with the property owner and a 30-year deed restriction will be recorded for each unit. This program will comply with all applicable requirements set forth within N.J.A.C.

5:97-6.8.

APPENDIX G

DEVELOPMENT FEE ORDINANCE SECTION 55-351

ARTICLE XXII AFFORDABLE HOUSING REQUIREMENTS 55-350.
GENERAL PROVISIONS"55-350. GENERAL PROVISIONS.

The purpose of this Article is to set forth the requirements for the development of housing in the Township that will be affordable to low and moderate income households.

55-351. REGULATIONS FOR DE"55-351. REGULATIONS FOR DEVELOPMENT
FEE AND HOUSING TRUST FUND.

A. Purpose. The purpose of the mandatory development fee is to provide funding for the Township's Housing Element and Fair Share Plan approved by the Township Committee of the Township of Barnegat.

B. Mandatory Development Fees.

(1) Residential development fees - Amount: All developers of residential major subdivisions or residential site plans shall pay a mandatory development fee equal to one percent (1%) of the equalized assessed valuation for each residential unit constructed. This mandatory fee shall be calculated as follows: 1% x equalized assessed valuation x number of units. [Amended 7-5-05 by Ord. No. 2005-41]

(2) Non-residential development fee - Amount: All non- residential developers requiring Major Site Plan approval, shall pay a mandatory development fee equal to two percent (2%) of the total equalized assessed valuation of the non-residential development, provided, however, no development fee shall be required where the total equalized assessed value of the development is less than fifteen thousand (\$15,000.00) dollars as established by the Tax Assessor. This mandatory fee shall be calculated as follows: 2.0% x total equalized assessed valuation. [Amended 7-5-05 by Ord. No. 2005-41]

(3) Timing of payments.

(a) Fifty percent (50%) of the total mandatory development fee owed to Barnegat Township whether for residential or non-residential development, shall be paid prior to the issuance of any building permit required in connection with the development, and shall be calculated as follows:

[1] For residential developments, the fifty percent (50%) payment required prior to the issuance of any building permit shall be calculated using an estimated equalized valuation of each residential unit as determined by the Barnegat Township Tax Assessor.

[2] For non-residential developments, the fifty percent (50%) payment required prior- to the issuance of any building permit shall be calculated using an estimated total equalized assessed valuation of the non-residential development as determined by the Barnegat Township Tax Assessor.

[3] The remaining portion of the development fee shall be paid prior to the issuance of any certificate of occupancy for any development or any part thereof, whether residential or nonresidential, and shall be calculated using the actual assessed valuation of the development as determined by the Barnegat Township Tax Assessor.

[4] Because the initial payment required prior to the issuance of a building permit is calculated using an estimated assessed valuation based on estimates for construction costs, the following adjustments are permitted to compensate for differences between the estimated assessed valuation and the actual assessed valuation.

[a] If the estimated assessed valuation used to calculate the initial fifty percent (50%) payment was over-estimated or underestimated causing the actual assessed valuation to be less than or greater than the estimated assessed valuation used to calculate the initial fifty percent (50%) payment, the developer's certificate of occupancy payment shall be equal to the difference between the actual assessed valuation and the initial fifty percent (50%) payment as determined by the Barnegat Township Tax Assessor.

[5] The Barnegat Township Tax Assessor shall have fifteen (15) working days to prepare the assessed valuations required in this section.

(4) Exemption, eligible exactions and ineligible exactions.

(a) Inclusionary developments, as defined herein, are exempt from development fees.

(b) Developments that have received preliminary or final approval, prior to the effective date of this Article, are exempt from development fees during the effective period of said approval, unless the developer seeks a substantial change in the approvals granted.

(c) Low and moderate income dwelling units shall be exempt from paying development fees.

(d) Development that expands an existing structure shall pay a development fee where applicable. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

(e) In accordance with N.J.S.A. 40:55D-8, any charitable, philanthropic, fraternal or religious non-profit organization holding tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. Section 501(c) or (d)) shall be exempt from the payment of a development fee.

C. Affordable Housing Trust Fund.

(1) All mandatory development fees collected pursuant to this Article shall be deposited in the interest bearing escrow account entitled the "Affordable Housing Trust Fund: Mandatory Fee Account."

(2) If the Court determines that Barnegat Township's spending is not in conformance with COAH's rules on development fees, the Court is authorized to direct the manner in which all development fees collected pursuant to this Article shall be expended.

D. Use of Funds.

(1) Money deposited in the Affordable Housing Trust Fund may be used for any activity approved for addressing the Township's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of road and infrastructures to low and moderate income housing sites; assistance designed to render units to be more affordable to low and moderate income people; and administrative costs necessary to implement the Township's Housing Element. The expenditure of all money shall conform to the approved spending plan.

(2) Unless specifically waived or unless fees are used to fund a Regional Contribution Agreement (RCA) or new construction project, not less than thirty percent (30%) of the revenues collected from development fees collected pursuant to this Article shall be devoted to rendering existing units more affordable to low and moderate income households by funding such activities as down payment assistance, low interest loans and rental assistance.

(3) No more than twenty percent (20%) of the revenues collected from development fees collected pursuant to this Article shall be devoted to administrative expenses incurred by the Township in addressing its Fair Share obligation.

APPENDIX H

PROPOSED DEVELOPMENT FEE ORDINANCE

ORDINANCE NO.: _____
AMENDED DEVELOPMENT FEE ORDINANCE
OF THE
TOWNSHIP OF BARNEGAT

1. Purpose

- (a) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the rules adopted by the New Jersey Council on Affordable Housing's (COAH).
- (b) Pursuant to P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.
- (c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic Requirements

- (a) The Township of Barnegat shall not impose development fees on any applicant pursuant to this ordinance until COAH or a Court has approved the Development Fee Ordinance pursuant to N.J.A.C. 5:96-5.1.
- (b) The Township of Barnegat shall not spend development fees until COAH or a Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- (a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project, or a 100 percent affordable development.
 - ii. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State.
 - iii. "Development fee" means money paid by a developer for the improvement of property as permitted under N.J.A.C. 5:97-8.3.
 - iv. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

- v. “Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C. 54:1-35a through C. 54:1-35c).
- vi. “Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development Fees

(a) Imposed Fees

- i. Within the Township of Barnegat zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development, provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six (6) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

(b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- iv. Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.
- v. Nonprofit organizations constructing residential projects which have received tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an

inability to pay existing charges, shall be exempted from paying a development fee.

vi. Federal, state, county and local governments constructing residential housing shall be exempted from paying a development fee.

vii. Residential reconstruction projects resulting from fire, flood, or natural disaster.

5. Non-Residential Development Fees

(a) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly-improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

(b) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5) percent development fee, unless otherwise exempted below.

ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

iii. Non-residential developments shall be exempt from payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the

owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Barnegat as a lien against the real property of the owner.

- vi. Federal, state, county and local governments constructing non-residential housing shall be exempted from paying a development fee.

6. Collection procedure

- (a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Township's Construction Official responsible for the issuance of a building permit.
- (b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (g) Should the Township of Barnegat fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- (h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Barnegat. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1

et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Barnegat. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

- (a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Township's Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. Payments in lieu of on-site construction of affordable units;
 2. Developer-contributed funds to make ten percent (10%) of the affordable entrances in a townhouse or other multistory attached development accessible;
 3. Rental income from municipally-operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with the Township of Barnegat's affordable housing program.
- (c) Within seven days from the opening of the trust fund account, the Township of Barnegat shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the Township's banking institution, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (c) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH or the Court. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or the Court.

8. Use of Funds

- (a) The expenditure of all funds shall conform to a spending plan approved by COAH or the Court. Funds deposited in the housing trust fund may be used for any activity approved by COAH or the Court to address the Township of Barnegat's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration

necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- (b) Funds shall not be expended to reimburse the Township of Barnegat for past housing activities.
- (c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Township of Barnegat to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (d) The Township of Barnegat may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (e) No more than 20 percent of all revenues collected from development fees, maybe expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- (a) The Township of Barnegat shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Barnegat's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing Collection of Fees

- (a) The ability of the Township of Barnegat to impose, collect and expend development fees shall expire with its judgment of compliance unless the Township of Barnegat has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned COAH for substantive certification, or brought a declaratory relief action in Court pursuant to N.J.S.A. 52:27D-313 and has received approval of its development fee ordinance by COAH or a Court. If the Township of Barnegat fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320). The Township of Barnegat shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Township of Barnegat retroactively impose a development fee on such a development. The Township of Barnegat shall not expend development fees after the expiration of its judgment of compliance.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee and the Township of Barnegat, this Ordinance shall become effective upon final passage and publication as provided by law.

TOWNSHIP OF BARNEGAT

By: _____, Mayor

Attest:

_____, Clerk

RESOLUTION NO. _____

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF BARNEGAT REQUESTING THE COUNCIL ON AFFORDABLE
HOUSING ("COAH") TO REVIEW AND APPROVE THE TOWNSHIP'S
AMENDED DEVELOPMENT FEE ORDINANCE**

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by COAH that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d) ;
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, the Township of Barnegat has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of Barnegat, County of Ocean, requests that COAH review and approve the draft Barnegat Township development fee ordinance.

_____, Clerk

APPENDIX I

DRAFT AFFORDABLE HOUSING ORDINANCE

Ordinance No. _____
Affordable Housing Ordinance
Township of Barnegat, Ocean County

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF BARNEGAT TO ADDRESS THE REQUIREMENTS OF THE COURT AND THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE TOWNSHIP'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the governing body of the Township of Barnegat, Ocean County, New Jersey, that the Zoning Ordinance of the Township of Barnegat is hereby amended to include provisions addressing Barnegat's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with N.J.A.C. 5:97-1, et seq., as may be amended and supplemented, and N.J.A.C. 5:80-26.1, et seq., as may be amended and supplemented, and pursuant to the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low and moderate income units ("affordable units") are created with controls on affordability over time and that low and moderate income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

The Barnegat Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the methods by which Barnegat shall address its fair share for low and moderate income housing as determined by the court and documented in the Housing Element. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97-1, et seq., as may be amended and supplemented. Barnegat shall annually file a monitoring report with COAH delineating the status of the implementation of the Housing Element and Fair Share Plan and this report shall be available to the public at the Barnegat Township Municipal Building, Township Clerk's Office, 379 South Branch Road, Barnegat, NJ, 08844, and from COAH at P.O. Box 813, Trenton, New Jersey 08625-0813.

Section 1. Municipal Fair Share Obligation

The Township of Barnegat has a fair share obligation consisting a 19-unit rehabilitation share, a 461-unit Cycle I/Cycle II obligation, and a 650-unit Cycle III growth share obligation, which comprises a total obligation of 1,130 affordable housing units.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Administrative Agent” means the entity responsible for administering the affordability controls of this Ordinance with respect to the restricted (affordable housing) units, and designated as such pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.) that is in, but not of, the Department of Community Affairs of the State of New Jersey.

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1. all the residents of the development where the unit is situated are 62 years or older; or 2. at least 80 percent of the units are occupied by one person that is 55 years or older; or 3. the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

Section 3. Affordable Housing Programs

Barneget has determined that it will use the following programs to satisfy its affordable housing obligations:

1. The following affordable housing projects are proposed to satisfy the Township’s affordable housing obligations:

Table 1: Summary of Affordable Housing Projects			
Project	Affordable Units/Credits	Unit/Credit Type	Status
Credits for Units constructed between 04/01/80 to 12/15/86	28	Credits Without Controls	-
Block 144.01, Lots 7, 7.01, 8-20, 22-23, 27 & 30.01 (Whispering Hills)	52	Family Rental Apartments	Approved
Block 114.24, Lot 12 (71 Village Drive)	1	Permanent Supportive Housing	2001
Block 208.08, Lot 2CA (17A Emerald Drive)	3	Group Home	1998
Block 208.09, Lot 34.04C (15 Gibraltar Court)	1	Group Home	1997
Block 208.09, Lot 43.03 (21 Mediterranean Court)	1	Permanent Supportive Housing	2001
Block 114.19, Lot 10 (19 Nautilus Avenue)	1	Group Home	2007
Block 162.02, Lot 1.03 (Walters Site)	70	Family Rental Apartments	Proposed
Block 114.54, Lot 21.03 (55 Old Main Shore Road)	4	Group Home	2006
Block 114, Lot 14.02 (Emerald Terrace Apartments)	32	Age-restricted Rental	Built in 1989
Block 142.01, Lot 1; Block 142.02, Lot 2.01 (High Point at Barnegat)	4	Single-Family Residential	Approved 06/19/01
Block 174.08, Lots 1-25 (J.S. Development)	3	Single-Family Residential	Approved 10/26/99
Block 114.55, Lots 26-27 (Freedom Hills)	15	Single-Family Residential	Approval 06/24/03
Block 94, Lots 2-3 (Mirage)	32	Age-Restricted Single Family	Constructed
Block 92.112, Lot 42.01 (Lighthouse Village)	26	Age-Restricted Single Family	Approval 08/13/02
Block 114.28, Lot 28; Block 114.36, Lots 20-32; Block 114.37, Lots 55-82; Block 114.50, Lots 1-20; and Block 114.51, Lots 1-6 (Independence Place)	8	Single-Family Residential	Approval 11/25/03
Block 114.54, Lot 15.05 (Tedesco Homes)	2	Single-Family Residential	Approved 3/10/05
Four Seasons @ Seacrest Pines	35	Age-Restricted Single-Family	Approval 08/23/03
Projected Yield from remaining Vacant ML-2 Zoned Land	13	Single Family	Vacant
Block 146.01, Lots 6.03-6.06 (Heritage Point LP/Patriot's Cove)	46	Family Rental Apartments	Approved
Block 114.26, Lot 27 (70 Schooner Ave)	1	Group Home	2007
Block 196.01, Lot 64 (131 Bayshore Drive)	5	Group Home	2004
Block 195.03, Lot 12 (Proposed ML Zone)	6	Family Rental Apartments	Proposed
Accessory Apartments (Max 10% of Fair Share Obl=73)	21	Family Rental Apartments	Proposed
Market to Affordable Program Family Rental	66	Market to Affordable (Total permitted 10% of 730=73 units)	Proposed
Block 90.22, Lot 2 and Block 92, Lot 37 and Block 90, Lot 13 (Paramount Homes/ Escapes Ocean Breeze; Formerly Club Premier)	71	Age-Restricted Townhouse	Received Preliminary Approval; Amended Preliminary Submitted
Market To Affordable for Sale	7	Market to Affordable (Total permitted 10% of 730=73 units)	Proposed

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low and moderate income housing units.

Section 4. Rehabilitation

1. Barnegat's rehabilitation program shall be designed to renovate deficient housing units occupied by low and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The rehabilitation program shall be divided into two segments, an owner occupancy rehabilitation program and a renter occupancy rehabilitation program.
2. Barnegat hereby designates _____ as the Administrative Agent for both portions of its rehabilitation programs.
3. Both renter occupied and owner occupied units shall be eligible for rehabilitation funds.
4. All rehabilitated units shall remain affordable to low and moderate-income households for a period of 10 years or, in the case of owner occupied units, for the length of the lien placed upon the rehabilitated unit. For owner occupied units the control period will be enforced with a lien and for renter occupied units, the control period will be enforced with a deed restriction.
5. Barnegat shall dedicate a minimum of \$10,900 for each rental unit to be rehabilitated through this program, with \$10,000 reflecting the minimum hard cost of rehabilitation for each unit and \$900 reflecting the cost of the _____'s administrative services for each rental unit. The owner occupied units to be rehabilitated shall be rehabilitated by _____ via an Interlocal Services Agreement using outside sources of funding. The Township of Barnegat shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township of Barnegat.
6. The Administrative Agent shall provide a rehabilitation manual for the owner occupancy rehabilitation program, and the Township of Barnegat shall prepare and adopt by resolution of the governing body, a rehabilitation manual for the rental occupancy rehabilitation program to be administered by the Administrative Agent. Both rehabilitation manuals shall be available for public inspection in the Office of the Township Clerk and at _____.

Section 5. Phasing Schedule for Inclusionary Zoning

In all zones that will contain both affordable housing and market rate housing units and/or market rate non-residential development, the following schedule shall be followed:

Maximum Percentage of Market-Rate Units or Floor Area Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

Section 6. New Construction

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.

2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

a. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

b. At least 30 percent of all low- and moderate-income units shall be two bedroom units;

c. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

d. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one bedroom units or by having a two bedroom unit for each efficiency unit.

B. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- a. An adaptable toilet and bathing facility on the first floor;
- b. An adaptable kitchen on the first floor;
- c. An interior accessible route of travel on the first floor;
- d. An interior accessible route of travel shall not be required between stories within an individual unit;
- e. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that Barnegat has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

2) To this end, the builder of restricted units shall deposit funds within the Township of Barnegat's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

3) The funds deposited under paragraph f.2) above shall be used by the Township of Barnegat for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Barnegat.

5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub Code, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such

conversion is reasonable, payment shall be made to the Township's affordable housing trust fund in care of the Township Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub Code, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

C. Maximum Rents and Sales Prices:

1. Barnegat hereby establishes that the maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

2. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 35 percent of median income.

3. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

Section 7. Utilities

A. Affordable units shall utilize the same type of heating source as market units within the affordable development.

B. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 8. Occupancy Standards

A. Occupancy standards for affordable housing units shall be in accordance with N.J.A.C. 5:80-26.4, as may be amended and supplemented:

B. In determining the initial rents and initial sales prices for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:

1. A studio shall be affordable to a one person household;
2. A one bedroom unit shall be affordable to a one and one-half person household;
3. A two bedroom unit shall be affordable to a three person household;
4. A three bedroom unit shall be affordable to a four and one-half person household;
5. A four bedroom unit shall be affordable to a six person household.

and

C. For assisted living facilities, the following standards shall be used:

1. A studio shall be affordable to a one person household;
2. A one-bedroom unit shall be affordable to a one and one-half person household;

and

3. A two-bedroom unit shall be affordable to a two person household or to two one-person households.

D. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sex with separate bedrooms; and
3. Prevent more than two persons from occupying a single bedroom.

Section 9. Control Periods for Ownership Units and Enforcement Mechanisms

A. Control periods for ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until Barnegat elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted ownership unit must

remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

B. At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

C. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 10. Price Restrictions for Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

C. The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

D. The owners of ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 11. Buyer Income Eligibility

A. Buyer income eligibility for ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 12. Control Periods for Rental Units

A. Each restricted rental unit shall remain subject to the requirements of this Ordinance until Barnegat elects to release the unit from such requirements, however, prior to such a municipal election, a restricted rental unit must remain subject to the requirements of this Ordinance for a period of at least 30 years.

B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Ocean. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure.

Section 13. Price Restrictions for Rental Units and Rent Increases; Leases

A. The initial rent for a restricted rental unit shall be approved by the Administrative Agent and shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

B. Rents may be increased annually based on the Housing Consumer Price Index for the United States, as published annually by COAH. Rents may not be increased more than once a year.

C. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

D. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

E. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 14. Tenant Income Eligibility

A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

1. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

2. Moderate income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

3. The household is currently in substandard or overcrowded living conditions;

4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in B.1. through B.5. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 15. Municipal Housing Liaison

A. COAH requires Barnegat to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracting Administrative Agent. Barnegat shall adopt an Ordinance creating the position of Municipal Housing Liaison. Barnegat shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by COAH and duly qualified before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Barnegat, including the following responsibilities which may not be contracted out to the Administrative Agent:

1. Serving as Barnegat's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

2. Monitoring the status of all restricted units in Barnegat's Fair Share Plan;

3. Compiling, verifying and submitting annual reports as required by COAH;

4. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

C. Subject to approval by the Court, Barnegat shall contract with the _____ to act as Administrative Agent and administer the affordable housing program in Barnegat, except for those responsibilities which may not be contracted out as described above. The Administrative Agent shall have the responsibility to administer all aspects of Barnegat's affordable housing program, including the affordability controls and Affirmative Marketing Plan, except for the rehabilitation programs, which shall be separately contracted to _____, and except for

group homes, which shall be administered by their respective providers. The Municipal Housing Liaison shall supervise the contracting Administrative Agents.

Section 16. Administrative Agent for Newly Created Affordable Housing Units

A. The affordability controls set forth in this Ordinance shall be administered and enforced by the Administrative Agent. The primary responsibility of the Administrative Agent shall be to ensure that the restricted units are sold or rented, as applicable, only to low and moderate-income households.

B. The Administrative Agent shall create and shall publish in plain English, and in such other languages as may be appropriate to serving its client base, a written operating manual, as approved by COAH, setting forth procedures for administering the affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants of N.J.A.C. 5:80-26.18, as may be amended and supplemented, and for releasing restricted units at the conclusion of the applicable control periods. The Administrative Agent shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16, as may be amended and supplemented.

C. The Administrative Agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units, and shall establish written procedures to ensure that selection among applicant households be via the database, and in accordance with a uniformly applied random selection process and all applicable State and Federal laws relating to the confidentiality of applicant records.

D. The Administrative Agent shall have the authority to discharge and release any or all instruments, included in the Appendices of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26, as may be amended and supplemented), that have been filed of record to establish affordability controls.

Section 17. Affirmative Marketing Requirements

A. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.

B. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 6, consisting of Atlantic, Cape May, Cumberland, and Ocean Counties.

C. The municipality has the ultimate responsibility for the adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Barnegat shall assure the affirmative marketing of all affordable units.

D. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

E. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the Administrative Agent shall consider the use of language translations.

F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

G. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administrative building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

H. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer.

Section 18. Household Certification and Referral; Related Project Information

A. No household may be referred to a restricted unit, or may receive a commitment with respect to a restricted unit, unless that household has received a signed and dated certification and has executed a certificate.

B. The sources of income considered by the Administrative Agent shall be the types of regular income reported to the Internal Revenue Service and are those that are typically used for a mortgage loan approval.

C. If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH, a certificate of eligibility shall be denied unless the applicant's existing monthly housing costs exceed 38 percent of the household's eligible monthly income.

D. The Administrative Agent shall employ a random selection process when referring households for certification to affordable units.

Section 19. Enforcement of Affordable Housing Regulations

A. Although Barnegat shall delegate to its designated Administrative Agent the day-to-day responsibility for implementing practices and procedures designed to ensure effective compliance with the controls set forth in this Ordinance, the municipality has the ultimate responsibility for ensuring effective compliance with this Ordinance.

B. The Administrative Agent's practices and procedures shall include, but shall not necessarily be limited to, the following:

1. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent.

2. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates.

3. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made.

4. Notifying the owners of owner occupied units that the unit may be resold only to a household that has been approved in advance and in writing by the Administrative Agent.

5. Notifying the owners of owner occupied units that no sale of the unit shall be lawful unless approved in advance and in writing by the Administrative Agent, and that no sale shall be for a consideration greater than regulated maximum permitted resale price, as determined by the Administrative Agent.

6. Notifying the owners of owner occupied units that no refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt secured by the unit may be incurred except as approved in advance and in writing by the Administrative Agent, and that at no time will the Administrative Agent approve any debt, if incurring the debt would make the total of all such debt exceed 95 percent of the then applicable maximum permitted resale price.

7. Notifying the owners of owner occupied units that the owner of the unit shall at all times maintain the unit as his or her principal place of residence, which shall be defined as residing at the unit at least 260 days out of each calendar year.

8. Notifying the tenants and owners of all restricted units that, except as set forth in N.J.A.C. 5:80-26.18(c)4vii, as may be amended and supplemented, at no time shall the owner or

tenant of the unit lease or rent or sublease the unit to any person or persons, except on a short-term hardship basis as approved in advance and in writing by the Administrative Agent.

9. Notifying the tenants of restricted rental units that the maximum permitted rent chargeable to tenants of affordable units shall be as stated in the notice required to be posted in accordance with N.J.A.C. 5:80-26.18(d)3, as may be amended and supplemented, a copy of which shall be enclosed, and that copies of all leases for affordable rental units must be submitted annually to the Administrative Agent.

C. Banks and other lending institutions are prohibited from issuing any loan secured by owner-occupied real property subject to the affordability controls set forth in this Ordinance, if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located.

Section 20. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court unless the Court delegates this responsibility to the Executive Director of COAH.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

TOWNSHIP OF BARNEGAT

_____, Clerk

_____, Mayor

Introduced:

Motion by:

Second by:

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Adopted:

Motion by:

Second by:

Adoption Roll Call:

Ayes:

Nayes:

Absent:

MEMBER	AYE	NAY	ABSTAIN	NO VOTE	ABSENT
MAYOR (Tie)					
TOTAL					

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and
Township Committee at a meeting held on _____, 2008.

_____, Clerk

APPENDIX J
DRAFT SPENDING PLAN

SPENDING PLAN

INTRODUCTION

Barnegat Township, Ocean County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the court on _____ and adopted by the municipality on _____. The ordinance establishes the *Barnegat Township* affordable housing trust fund for which this spending plan is prepared.

As of December 16, 2008, *Barnegat* maintains a balance of \$364,214.90 within its affordable housing trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in _____ for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, *Barnegat Township* considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

The assumed current interest rate is _____ within this Spending Plan. As of _____, the affordable housing trust fund has earned \$ _____ in interest.

[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:												
1. Approved Development												
2. Development Pending Approval												
3. Projected Development												
(b) Payments in Lieu of Construction												
(c) Other Funds (Specify source(s))												
(d) Interest												
Total												

Barnegat Township projects a total of \$ [insert total of all revenue listed above] in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by *Barnegat Township*:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with *Barnegat Township's* development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7) and Bill A500/S1783, which became effective on July 17, 2008.

(b) Distribution of development fee revenues:

A maximum of twenty (20) percent of the affordable housing trust fund revenues will be utilized to address administrative costs. The remaining eighty (80) percent of affordable housing trust fund revenues will be utilized to _____.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **New construction programs and projects (N.J.A.C. 5:97-8.7)**

Barnegat Township will dedicate eighty (80) percent of affordable housing trust fund revenues to new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Eighty (80) percent of affordable housing trust fund revenues will be utilized to _____.

New construction project(s): Eighty (80) percent of affordable housing trust fund revenues will be utilized to _____.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

[Municipalities are required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income). Utilize the formulae below to project the minimum affordability assistance requirements. The actual affordability assistance minimums are calculated on an ongoing basis in the CTM system based on actual revenues.]

To initially project a funding amount that will be dedicated to affordability assistance, first subtract actual expenditures on all new construction, previously funded regional contribution agreements and rehabilitation activities from inception of the fund through June 2, 2008 from the sum of actual and projected development fees and interest through December 31, 2018. Multiply this amount by 30 percent and then subtract actual affordability assistance expenditures from inception of the fund through December 31, 2004 from the result. The outcome of this calculation will be the total remaining funds that must be dedicated to affordability assistance for the period January 1, 2005 through December 31, 2018.

To initially project a funding amount that will be dedicated to affordability assistance for very low-income households, divide the affordability assistance figure derived from the above paragraph by three. The outcome of this calculation will be the total remaining funds that must be dedicated to very low-income affordability assistance for the period January 1, 2005 through December 31, 2018. Municipalities will receive credit against this projected minimum for affordability assistance activity from January 1, 2005 to the present.]

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$
Actual interest earned through 7/17/2008	+	\$
Development fees projected* 2008-2018	+	\$
Interest projected* 2008-2018	+	\$
Less housing activity expenditures through 6/2/2008	-	\$
Total	=	\$
30 percent requirement	x 0.30 =	\$
Less Affordability assistance expenditures through 12/31/2004	-	\$
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

Barnegat Township will dedicate \$ [insert amount of revenues to be dedicated] from the affordable housing trust fund to render units more affordable, including \$ [insert amount of revenue to be dedicated] to render units more affordable to households earning 30 percent or less of median income by region, as follows:

The 53 required very low-income units are proposed to be included within _____.

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

[Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the CTM system based on actual revenues.]

To initially project a funding amount that will be available for administrative costs, sum all development fees actually collected since the inception of the account and all actual interest earned since the inception of the account with all projected development fees and interest projected to be collected through December 31, 2018. To this amount, add all payments in lieu of constructing affordable units and other account deposits from the inception of the account through July 17, 2008. From this total amount, subtract RCA expenditures made or contractually obligated from the inception of the account through December 31, 2018. Multiply this amount by 20 percent and then subtract actual administrative expenditures made from the inception of the account through December 31, 2004. The outcome of this calculation will be the total remaining funds that will be available to defray administrative expenses for the period January 1, 2005 through December 31, 2018.]

Barnegat Township projects that \$[insert projected amount of revenue available] will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

A maximum of twenty (20) percent of the affordable housing trust fund revenues will be utilized to address administrative costs.

4. EXPENDITURE SCHEDULE

Barnegat Township intends to use affordable housing trust fund revenues for the creation of housing units. Where applicable, the creation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

[illegible]

5. EXCESS OR SHORTFALL OF FUNDS

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide for the construction of affordable units or affordability assistance required to satisfy any future growth share obligation.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Barnegat Township's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

Barnegat Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated November 2008.

Barnegat Township has a balance of \$ 364,214.90 as of December 16, 2008, and anticipates an additional \$ _____ in revenues before the expiration of substantive certification for a total of \$ _____. The municipality will dedicate \$ _____ towards _____, and \$ _____ to administrative costs. Any shortfall of funds will be offset by an alternative funding source to be identified by the Township. If no alternative funding is available, Barnegat Township will utilize the resolution of intent to bond to provide funding to construct the affordable units. The municipality will dedicate any excess funds toward providing for the construction of affordable units or affordability assistance required to satisfy any future growth share obligation.

SPENDING PLAN SUMMARY		
Balance as of July 17, 2008		\$
Balance as of October 27, 2008		\$
PROJECTED REVENUE July 18, 2008-2018		
Development fees	+	\$
Payments in lieu of construction	+	\$
Other funds	+	\$
Interest	+	\$
TOTAL REVENUE	=	\$
EXPENDITURES		
Funds used for Rehabilitation	-	\$
Funds used for New Construction		
1.	-	\$
2.	-	\$
3.	-	\$
4.	-	\$
5.	-	\$
6.	-	\$
7.	-	\$
8.	-	\$
9.	-	\$
10.	-	\$
Affordability Assistance	-	\$
Administration	-	\$
Excess Funds for Additional Housing Activity	=	\$
1. None	-	\$
2.	-	\$
3.	-	\$
TOTAL PROJECTED EXPENDITURES	=	\$
REMAINING BALANCE	=	\$

Township of Barnegat's Escrow Agreement for Housing Trust Fund

This Escrow Agreement made this ____ day of [month], [year], by and between the Council on Affordable Housing (COAH) and the Township of Barnegat and [insert name of bank] (the Bank).

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, on [insert date of approval] COAH approved the Township of Barnegat's Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of the Township of Barnegat's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on [insert date] the governing body of the Township of Barnegat adopted Ordinance No. [insert number], the Development Fee Ordinance of the Township of Barnegat, amending the Municipal Code; and

WHEREAS, on [insert date of approval] COAH approved the Township of Barnegat Spending Plan establishing standards for the expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Township of Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

[or]

WHEREAS, COAH has not yet approved a spending plan for Township of Barnegat acknowledges that no expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Township of Barnegat's affordable housing program in accordance

with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Township of Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires Township of Barnegat's, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Township of Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

NOW THEREFORE, COAH, Township of Barnegat's and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and the Township of Barnegat hereby designate *[insert name of bank]* (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable

entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Township of Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by the Township of Barnegat's, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the *[insert title of municipal officer]* of the Township of Barnegat consistent with the spending plan approved by COAH.

2. Escrow Account

The Township of Barnegat shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Township of Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as *[insert name of account]* (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Township of Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from the Township of Barnegat. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by the Township of Barnegat or any other party, (b) any other obligation owed to the escrow agent by the Township of Barnegat or any other party, or (c) any claim which the escrow agent may have against the Township of Barnegat's or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of the Township of Barnegat as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the *[insert title of municipal officer]* of the Township of Barnegat, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by the Township of Barnegat from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to the Township of Barnegat, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by the Township of Barnegat until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of the Township of Barnegat. COAH shall provide the Township of Barnegat's municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of the Township of Barnegat and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Township of Barnegat's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Township of Barnegat's affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;
- f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing

program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Township of Barnegat's affordable housing program on activities not permitted by COAH;

- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. The Township of Barnegat shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and the Township of Barnegat, or their respective designees, at any reasonable time. The Township of Barnegat shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

a. If to COAH: Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813

b. If to Municipality: Municipal Clerk and Chief Financial Officer

c. If to Bank: [insert address]

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

Date

[insert name], on behalf of the Township of Barnegat

Date

Lucy Vandenberg, Executive Director
on behalf of the New Jersey Council
on Affordable Housing (COAH)

Date

[insert name], on behalf of [insert name of bank]

M:\Eatontown-BE\old-jobs\507142450007\Reports\Planning-Reports\Housing
FSP\dfescrowhsgtrustfund0908.doc

Plan

Element\2008

HE

&